

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

— — — — — X
EDWARD CARTER, FRANK FIORILO,)
KEVIN LAMM, JOSEPH NOFI, and)
THOMAS SNYDER,)

Plaintiffs,)

-against-)

) Index No.
) CV 07 1215

INCORPORATED VILLAGE OF OCEAN)
BEACH; MAYOR JOSEPH C.)
LOEFFLER, JR., individually)
and in his Official capacity;)
former mayor NATALIE K. ROGERS,)
individually and in her)
official capacity, OCEAN BEACH)
POLICE DEPARTMENT; ACTING)
DEPUTY POLICE CHIEF GEORGE B.)
HESSE, individually and in his)
official capacity; SUFFOLK)
COUNTY; SUFFOLK COUNTY POLICE)
DEPARTMENT OF CIVIL SERVICE;)
and ALLISON SANCHEZ,)
individually and in her)
official capacity,)

Defendants.)

— — — — — X
DEPOSITION OF EDWARD PARADISO
New York, New York
July 27, 2009

Reported by:
Judi Johnson, RPR, CRR, CLR
Job No.: 23814

85 Fifth Avenue
New York, New York

July 27, 2009
10:00 A.M.

Deposition of EDWARD PARADISO, held at
the offices of THOMPSON, WIGDOR AND GILLY,
LLP, 85 Fifth Avenue, New York, New York,
pursuant to Notice, before Judi Johnson, a
Registered Professional Reporter, a
Certified Realtime Reporter, a Certified
LiveNote Reporter and Notary Public of the
State of New York.

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EDWARD PARADISO
APPEARANCES:
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EDWARD PARADISO
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BY: (NOT PRESENT)

SUFFOLK COUNTY DEPARTMENT OF LAW
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BY: (NOT PRESENT)

ALSO PRESENT:
JOSH LIPSON - LEGAL VIDEO SPECIALIST
FRANK FIORILLO
EDWARD CARTER - A.M. SESSION ONLY
TOM SNYDER

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EDWARD PARADISO
IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties herein, that filing and sealing and
the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form
of the question, shall be reserved to the
time of the trial.

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be sworn to
and signed before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before the
Court.

- o0o -

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1 EDWARD PARADISO
2 EDWARD PARADISO,
3 Called as a witness herein, having
4 first been duly sworn, was examined and
5 testified as follows:
6 BY THE REPORTER:
7 **Q Please state your name and address for**
8 **the record.**
9 A Edward Paradiso, 65 Timberpointe Road,
10 East Islip, New York 11730.
11 MR. GOODSTADT: Let's mark this. 10:02:05AM
12 (Whereupon, Subpoena was marked as 10:02:07AM
13 Plaintiff's Exhibit 1 for identification, as
14 of this date.)
15 THE VIDEOGRAPHER: This is the start 10:02:50AM
16 of Tape Number 1 of the videotaped
17 deposition of Edward Paradiso in the matter
18 Carter, et al versus the Incorporated
19 Village of Ocean Beach. Today's date is
20 July 27th, 2009, at approximately
21 10:04 a.m.
22 Will the court reporter please swear 10:03:06AM
23 in the witness.
24 MR. NOVIKOFF: Andrew, regular stips, 10:03:16AM
25 as in the past?
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1 EDWARD PARADISO
2 MR. GOODSTADT: It is. 10:03:19AM
3 Do we need to make our appearance? 10:03:19AM
4 Andrew Goodstadt, Thompson, Wigdor & 10:03:22AM
5 Gilly, on behalf of the plaintiffs.
6 MR. NOVIKOFF: On behalf of all of the 10:03:28AM
7 Village defendants except Mr. Hesse, Ken
8 Novikoff, Rivkin Radler.
9 MR. CONNOLLY: Kevin Connolly of Mark, 10:03:35AM
10 O'Neill, O'Brien & Courtney for Defendant
11 Hesse.
12 MR. NOVIKOFF: What do you want to do 10:03:39AM
13 about motions to strike? Because my
14 preference would be -- I don't know what the
15 federal rules say about it, but leave it as
16 with relevance objections. Is that fine
17 with you?
18 MR. GOODSTADT: That's fine with me. 10:03:52AM
19 Just so we're clear, everything is 10:03:59AM
20 preserved. Make a motion to strike, no need
21 to --
22 MR. NOVIKOFF: Everything is preserved 10:04:02AM
23 except objections to form.
24 MR. GOODSTADT: Perfect. 10:04:05AM
25 EXAMINATION 10:04:05AM
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1 EDWARD PARADISO
2 BY MR. GOODSTADT: 10:04:07AM
3 **Q Good morning, Mr. Paradiso. 10:04:07AM**
4 A Good morning. 10:04:08AM
5 **Q My name is Andrew Goodstadt. I'm an 10:04:08AM**
6 **attorney at Thompson, Wigdor & Gilly, and my**
7 **firm represents the five plaintiffs in this**
8 **matter, being Frank Fiorillo, Tom Snyder, Ed**
9 **Carter, Joe Nofi and Kevin Lamm.**
10 **Just before we get started, I just 10:04:21AM**
11 **want to know how to address you. Is it Chief**
12 **Paradiso, Mr. Paradiso? How do you go about it?**
13 A You can just call me Ed. 10:04:30AM
14 **Q Ed? I prefer to do it a little more 10:04:31AM**
15 **formal than that.**
16 A You can call me Mr. Paradiso. 10:04:35AM
17 **Q Great. That's what I'll call you. 10:04:38AM**
18 **I just want to place in front of you 10:04:41AM**
19 **what's been now marked as Paradiso 1.**
20 **(Handing.)**
21 A And my address is wrong on this. 10:04:47AM
22 **Q Okay. 10:04:50AM**
23 MR. GOODSTADT: I've placed in front 10:04:56AM
24 of Mr. Paradiso what's been marked as
25 Paradiso 1. It is a subpoena for today's
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1 EDWARD PARADISO
2 deposition that was served in this matter.
3 BY MR. GOODSTADT: 10:05:05AM
4 **Q Mr. Paradiso, did you receive what's 10:05:05AM**
5 **been marked as Paradiso 1 prior to appearing**
6 **today?**
7 A Yes. 10:05:10AM
8 **Q And I believe you just stated that 10:05:11AM**
9 **your address is incorrect on this.**
10 A Right. 10:05:15AM
11 **Q What is your address? 10:05:16AM**
12 A It's 65 Timberpointe Road. 10:05:17AM
13 **Q And you're appearing for today's 10:05:24AM**
14 **deposition in response to this subpoena; is that**
15 **correct?**
16 A Right. 10:05:30AM
17 **Q How long have you lived at 10:05:32AM**
18 **65 Timberpointe Road address?**
19 A Well, let's see. We bought the house 10:05:38AM
20 in June of 2007. We sold that same address
21 house in February of 2004. So I lived in it
22 for -- since July 11th, 2001 to February of
23 2004. We sold it, and we bought it back in June
24 of 2007. It's a long story.
25 **Q We'll save the story for another day. 10:06:17AM**
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EDWARD PARADISO

But where did you live between February of '04 and June 2007?

A 287 Timberpointe Road. 10:06:22AM

Q So just so I'm clear. So from July 11th, 2001 to the present, you have lived in East Islip on Timberpointe Road, whether it be the 286 address or 65 address?

A I lived there, and I had a residence in Ocean Beach too. 10:06:47AM

Q Where is your residence in Ocean Beach? 10:06:50AM

A My residence was at 315 Bay Walk, Ocean Beach, New York 11730. 10:06:52AM

Q Was that a property that you owned? 10:07:02AM

A No. That was an apartment owned by the village. 10:07:04AM

Q Was that -- is there any -- strike that. 10:07:11AM

Is it an apartment building? 10:07:14AM

A It's a -- it's a multi- -- multi-use dwelling. It's not just apartments. It has -- the village office was downstairs. The post office was downstairs. Above it was the police barracks. And there was several other

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EDWARD PARADISO

apartments in the building.

Q Was your apartment actually in the barracks or was it separate from the barracks? 10:07:37AM

A It was separate. 10:07:41AM

Q Was it on the same floor as the barracks? 10:07:42AM

A Yeah. It was like one huge building, but it was on the far end of the building. 10:07:44AM

Q Did anybody else use -- to your knowledge, use 315 Bay Walk as their address at Ocean Beach between, let's say, 2002 and 2006? 10:07:52AM

MR. NOVIKOFF: Objection. 10:08:02AM

BY MR. GOODSTADT: 10:08:06AM

Q You can answer. 10:08:06AM

A Oh, I can answer. Okay. 10:08:07AM

Yeah, I think one of the women that worked in the village lived upstairs in one of the apartments. The barracks was attached, so different police officers lived there. Sergeant Hesse -- Chief Hesse had a room of his own inside the barracks. That's -- from that point in time, I think that's it. 10:08:10AM

Q You said that Chief Hesse -- I believe you called him Chief Hesse. Chief Hesse had a 10:08:38AM

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EDWARD PARADISO

room inside the barracks?

A Uh-huh. 10:08:46AM

Q Is that what you said? 10:08:46AM

A Yeah. 10:08:48AM

Q How long did he have that room for? 10:08:48AM

A He had it for quite a while. I don't remember exactly how long. 10:08:50AM

Q Do you know what year he started having a room there? 10:08:54AM

A Not really. Over -- over seven or eight years. 10:09:01AM

Q You said -- I believe you said other police officers lived there as well. Did you say that? 10:09:06AM

A Yeah. 10:09:12AM

Q What other police officers lived there? 10:09:13AM

A It was open to any police officers that wanted to stay there, so... 10:09:14AM

Q As a residence or just stay there -- 10:09:18AM

A Just stay there -- 10:09:25AM

Q Let me finish the question. 10:09:25AM

Stay there as their residence or just to stay there sporadically overnight when they 10:09:25AM

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EDWARD PARADISO

had a tour?

A Just sporadically. 10:09:30AM

MR. NOVIKOFF: Objection. 10:09:31AM

A Sporadically. 10:09:32AM

Q Do you know if any other officers used it as their residence? 10:09:33AM

A Not to my knowledge. 10:09:38AM

Q Would it be appropriate for officers to use the barracks as their residence? 10:09:39AM

MR. NOVIKOFF: Objection. 10:09:43AM

A It -- I wouldn't say it would be inappropriate. 10:09:45AM

Q Why wouldn't you say that? 10:09:49AM

MR. NOVIKOFF: Objection. 10:09:51AM

A Well, if they wanted to claim that as their as their residence, they could, depending on what their life circumstance was. 10:09:52AM

Q What do you mean by that? 10:09:58AM

A You know, if they have no -- if they wanted to live on the beach, you know, if you lived in the place more than 30 days, you could claim it as your residence. If they wanted to vote there, they could vote there. 10:09:59AM

Q And you don't know one way or the 10:10:17AM

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1 **EDWARD PARADISO**
2 **other whether any of the officers claimed it as**
3 **their residence?**
4 A Not offhand, no. 10:10:27AM
5 **Q Did you ever approve any officers 10:10:31AM**
6 **using the barracks as their residence?**
7 MR. NOVIKOFF: Prove or approve? 10:10:39AM
8 MR. GOODSTADT: Approve. 10:10:41AM
9 MR. NOVIKOFF: Objection. 10:10:42AM
10 A It never was posed in that way. I 10:10:44AM
11 never had to approve it.
12 **Q Just before we get into any 10:10:51AM**
13 **substantive questions, I just want to go over**
14 **some ground rules today so we're all on the same**
15 **page. A couple of them just came up in the**
16 **last couple of questions.**
17 **You understand that you're testifying 10:11:00AM**
18 **under oath today and that you're legally**
19 **obligated to tell the truth?**
20 A Yes. 10:11:04AM
21 **Q And that failure to do so could result 10:11:05AM**
22 **in a criminal sanction?**
23 A Yes. 10:11:12AM
24 **Q Do you understand that? 10:11:12AM**
25 A Yes. 10:11:12AM
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1 **EDWARD PARADISO**
2 **Q And other than for in your capacity as 10:11:12AM**
3 **a police officer in Ocean Beach, have you ever**
4 **testified under oath at any other proceeding or**
5 **situation?**
6 A Other than as a police officer, no. 10:11:26AM
7 **Q Did you ever testify -- 10:11:30AM**
8 MR. NOVIKOFF: When you say testify, 10:11:32AM
9 you mean verbally testify as opposed to
10 swearing something out on a piece of paper?
11 BY MR. GOODSTADT: 10:11:39AM
12 **Q Well, outside of your role as a police 10:11:40AM**
13 **officer, have you ever testified in writing or**
14 **verbally?**
15 A No. 10:11:45AM
16 **Q So you never testified in a civil 10:11:49AM**
17 **proceeding?**
18 A Not outside -- other than as a police 10:11:54AM
19 officer, no.
20 **Q Okay. Why don't we just go through 10:11:57AM**
21 **the civil proceedings that you testified at,**
22 **whether it was as a police officer or not as a**
23 **police officer. So other than for today, why**
24 **don't you go in reverse chronological order.**
25 **When was the most recent time when you testified**
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1 **EDWARD PARADISO**
2 **in a civil matter?**
3 A I was called in to testify in a matter 10:12:25AM
4 between the church that was across the street
5 from the police department versus the owner of
6 the property, Lee Pokoik, L-E-E P-O-K-O-I-K.
7 **Q If you can, just give us a 10:12:51AM**
8 **one-sentence explanation of what the case was**
9 **about.**
10 A The church had some kind of an 10:12:59AM
11 agreement with the owner of the property when
12 they took ownership that they had to operate it
13 on a year-round basis, and he was trying to get
14 the property back from the church, stating that
15 they didn't maintain it on a year-round basis.
16 And I was called in to testify whether or not
17 they were there on a year-round basis.
18 **Q So you weren't a party to that case, 10:13:23AM**
19 **right?**
20 A No. 10:13:26AM
21 **Q How about prior to that testimony, 10:13:26AM**
22 **when was the time before that that you testified**
23 **in a civil matter?**
24 A I think that was it. 10:13:43AM
25 **Q That was it? 10:13:45AM**
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1 **EDWARD PARADISO**
2 A Oh, there was one -- I don't know if 10:13:46AM
3 that's classified as a civil matter or not, but
4 this is back -- going back like 24 or 25 years.
5 It was a case. I don't remember the person's
6 name. He was trying to get a dancing license
7 for his establishment, and I was called to
8 testify on whether or not he served salad on his
9 pool table.
10 **Q And that was at Ocean Beach, an 10:14:16AM**
11 **establishment on Ocean Beach?**
12 A Yes. 10:14:21AM
13 **Q And other than for those two times, 10:14:21AM**
14 **did you ever testify in any other civil**
15 **proceeding?**
16 A I don't believe so. 10:14:27AM
17 **Q Although you've testified at times, I 10:14:32AM**
18 **just want to continue with the ground rules.**
19 **It's important that you give verbal 10:14:36AM**
20 **answers. Because shakes of the head, nods of**
21 **the head, hand motions can't be taken down by**
22 **our court reporter.**
23 **Do you understand that? 10:14:46AM**
24 A Sure. 10:14:46AM
25 Oh, there was another case. I never 10:14:47AM
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1 EDWARD PARADISO
2 was called to testify. I had to go to a
3 deposition, I believe. It was Peterson versus
4 the Village of Ocean Beach.
5 **Q Just to clarify my question before. 10:15:01AM**
6 A I'm sorry. 10:15:04AM
7 **Q When I said did you ever testify under 10:15:05AM**
8 **oath, I meant in a deposition, at a trial, in**
9 **front of an ALJ, and any other proceeding where**
10 **you were actually sworn under oath. So that**
11 **should include all those types of proceedings.**
12 A Okay. I'm sorry. 10:15:20AM
13 **Q So let's talk about Peterson versus 10:15:21AM**
14 **Ocean Beach. When was your testimony in that**
15 **case?**
16 A Sometime between 2003 and 2005. I'm 10:15:28AM
17 not exactly certain on that.
18 **Q And who was the name of the plaintiff? 10:15:36AM**
19 A Bridgett Peterson. 10:15:38AM
20 **Q And who were the defendants in that 10:15:42AM**
21 **matter?**
22 A Myself, Mayor Rogers and the Village 10:15:45AM
23 of Ocean Beach.
24 **Q What was the nature of the claims in 10:15:51AM**
25 **that case?**
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1 EDWARD PARADISO
2 **Q Do you know what it was settled for? 10:16:47AM**
3 MR. NOVIKOFF: Note my objection to 10:16:49AM
4 the extent that there was a confidential
5 settlement agreement that this witness is
6 aware of.
7 MR. GOODSTADT: Okay. 10:16:56AM
8 MR. NOVIKOFF: I can't tell him not to 10:16:57AM
9 answer. I'm just putting it on the record.
10 BY MR. GOODSTADT: 10:17:01AM
11 **Q Do you recall what that settled for? 10:17:02AM**
12 **Do you know what that settled for?**
13 A I think there was a confidentiality 10:17:10AM
14 agreement that I wasn't supposed to discuss it.
15 **Q Right. Right. 10:17:14AM**
16 MR. GOODSTADT: We can mark this 10:17:15AM
17 portion --
18 MR. NOVIKOFF: Absolutely. 10:17:17AM
19 MR. GOODSTADT: -- as confidential? 10:17:17AM
20 I know h can't give you advice either, 10:17:20AM
21 but I don't want to have to call you back
22 in.
23 MR. NOVIKOFF: Why don't we mark it. 10:17:22AM
24 And if you feel you need to make the
25 application to the court, then we do it. I
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1 EDWARD PARADISO
2 A She was claiming -- she claimed that 10:15:54AM
3 she was discriminated against because of her
4 gender.
5 **Q And she claimed that you individually 10:16:06AM**
6 **discriminated against her?**
7 A Yes. 10:16:10AM
8 **Q And you testified at a deposition in 10:16:12AM**
9 **that matter?**
10 A Yes. 10:16:15AM
11 **Q Did you testify in any other 10:16:16AM**
12 **proceeding in that matter?**
13 A No. 10:16:19AM
14 **Q Were you represented by counsel in 10:16:21AM**
15 **connection with that matter?**
16 A Yes. 10:16:24AM
17 **Q Who was your lawyer in that matter? 10:16:24AM**
18 A I don't recall. 10:16:26AM
19 **Q Was it Bee Ready and Fishbein? 10:16:28AM**
20 A No. 10:16:30AM
21 **Q Is that matter still pending? 10:16:38AM**
22 A No. 10:16:39AM
23 **Q How did that matter -- how was that 10:16:40AM**
24 **matter resolved?**
25 A It was settled out of court. 10:16:44AM
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1 EDWARD PARADISO
2 don't represent Mr. Paradiso. Mr. Connolly
3 doesn't represent Mr. Paradiso.
4 Mr. Goodstadt doesn't represent
5 Mr. Paradiso. And I think, as either
6 Mr. Goodstadt aptly said, neither he nor I
7 nor Mr. Connolly can give this witness any
8 advice, who happens not to be represented
9 today.
10 Is that correct? 10:17:45AM
11 THE WITNESS: I requested 10:17:47AM
12 representation from the village, but I never
13 heard a reply.
14 MR. NOVIKOFF: So therefore, I can't 10:17:52AM
15 tell you what to do, Andrew, and I can't
16 tell this witness what to do. I've stated
17 my objection.
18 BY MR. GOODSTADT: 10:18:00AM
19 **Q Without disclosing how much it settled 10:18:01AM**
20 **for, do you know how much it settled for?**
21 A I know the ballpark. 10:18:06AM
22 **Q So without a confidentiality 10:18:07AM**
23 **agreement, you would be able to tell me the**
24 **ballpark?**
25 A Yes. 10:18:12AM
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1 EDWARD PARADISO
2 MR. GOODSTADT: We'll mark that one 10:18:14AM
3 for a ruling.
4 MR. NOVIKOFF: Sure. 10:18:15AM
5 BY MR. GOODSTADT: 10:18:20AM
6 **Q Other than for the Peterson matter, 10:18:25AM**
7 **the church matter and the dancing license**
8 **matter, did you testify in any other civil**
9 **proceedings?**
10 A I don't recall any. 10:18:34AM
11 **Q Just to continue with the ground 10:18:38AM**
12 **rules. If you don't hear or understand a**
13 **question that I ask, just ask me to repeat or**
14 **rephrase. I'll be happy to do so, okay?**
15 A Yes. 10:18:48AM
16 **Q If you don't hear or understand a 10:18:48AM**
17 **phrase or a word that I use, again just ask me**
18 **to repeat or rephrase it. I'll be happy to do**
19 **so, okay?**
20 A Fine. Thank you. 10:18:54AM
21 **Q Because when you answer a question, 10:18:55AM**
22 **I'm going to assume that you heard it and that**
23 **you understood it.**
24 **Is that fair? 10:18:58AM**
25 A Yes. 10:18:59AM
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1 EDWARD PARADISO
2 A Yes. 10:19:40AM
3 **Q It would affect your ability? 10:19:40AM**
4 A Yes. 10:19:42AM
5 **Q What medications do you believe would 10:19:42AM**
6 **affect your ability to testify fully and**
7 **truthfully today?**
8 A I feel uncomfortable discussing my 10:19:46AM
9 medical history.
10 **Q I'm not asking whether you feel 10:19:51AM**
11 **uncomfortable discussing your medical history.**
12 **Let's put aside any discussion about your**
13 **medical history.**
14 **My question is: Is there anything 10:20:00AM**
15 **about ingesting or taking the medications that**
16 **you're on that would affect your ability to**
17 **testify fully or truthfully today?**
18 MR. NOVIKOFF: Objection. Asked and 10:20:09AM
19 answered. He just said yes.
20 A Yes. 10:20:12AM
21 **Q So you don't believe you can testify 10:20:17AM**
22 **fully and truthfully today because you're taking**
23 **medication?**
24 MR. NOVIKOFF: Objection. Asked and 10:20:23AM
25 answered.
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1 EDWARD PARADISO
2 **Q It's important that you let me finish 10:19:02AM**
3 **my questions before you interpose your answer,**
4 **just as though it's important that I allow you**
5 **to finish your answer before I ask the next**
6 **question.**
7 **Do you understand that? 10:19:11AM**
8 A Yes. 10:19:12AM
9 **Q Because we're trying to get a 10:19:12AM**
10 **transcript here, so we need question, answer,**
11 **question, answer?**
12 **Is that fair? 10:19:18AM**
13 A Yes. 10:19:18AM
14 **Q If at any time you feel like you need 10:19:18AM**
15 **to take a break or a recess, just ask me. I'll**
16 **be happy to accommodate that.**
17 A Thank you. 10:19:23AM
18 **Q Are you presently taking any 10:19:28AM**
19 **medications?**
20 A Yes. 10:19:30AM
21 **Q What medications do you take -- well, 10:19:30AM**
22 **strike that.**
23 **Do you believe any of those 10:19:34AM**
24 **medications would affect your ability to testify**
25 **fully and truthfully today?**
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1 EDWARD PARADISO
2 A I'm on medication that if I had to 10:20:25AM
3 sign informed consent in a hospital, they would
4 not be able to take it, if you understand what
5 that means.
6 **Q I understand what informed consent in 10:20:34AM**
7 **a hospital means, but I just want to -- does the**
8 **medication you're taking affect your memory?**
9 A It -- it could. 10:20:45AM
10 **Q Have you ever known it to affect your 10:20:46AM**
11 **memory?**
12 A It has. 10:20:49AM
13 **Q Short-term or long-term memory? 10:20:50AM**
14 A More long-term than short-term. 10:20:52AM
15 **Q And when you say long-term, how long 10:20:54AM**
16 **ago was your memory affected? What period of**
17 **time did the event happen that you couldn't**
18 **recall?**
19 A It's hard to say. It all depends on 10:21:02AM
20 the event, you know.
21 **Q I guess I don't know. Have you sought 10:21:12AM**
22 **any medical treatment for memory loss?**
23 A No. I am currently taking medicines 10:21:20AM
24 for several different medical conditions that I
25 have, some of which could affect my ability to
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1 EDWARD PARADISO

2 remember.

3 **Q When was the last time that you had a 10:21:40AM**
4 **difficult time remembering something because of**
5 **your medicine?**

6 MR. NOVIKOFF: If he remembers. 10:21:46AM

7 A I have difficulty remembering people's 10:22:02AM
8 names.

9 **Q Anything other than for people's names 10:22:05AM**
10 **that you have difficulty remembering because of**
11 **your medication?**

12 A It's hard to pinpoint exactly what it 10:22:25AM
13 affects, and it's not easy to put into words how
14 it affects sometimes and not others, you know.

15 **Q Sure. Well, why don't we reach an 10:22:46AM**
16 **agreement that today if there's something that**
17 **you don't recall and you think it's because of**
18 **your medication, you'll let me know that, okay?**

19 A Okay. 10:22:56AM

20 MR. NOVIKOFF: I'm going to object to 10:22:57AM
21 whatever that means.

22 Can we take a two-minute break, and 10:22:59AM
23 can I just ask the witness to excuse us for
24 one second? Is that okay with you?

25 MR. GOODSTADT: Works for me. 10:23:06AM

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1 EDWARD PARADISO

2 THE VIDEOGRAPHER: The time is 10:24. 10:23:08AM

3 We're off the record.

4 (Whereupon, a discussion was held off 10:23:12AM
5 the record.)

6 THE VIDEOGRAPHER: The time is 10:29. 10:24:45AM

7 We are back on the record.

8 BY MR. GOODSTADT: 10:28:32AM

9 **Q Mr. Paradiso, when we went off the 10:28:33AM**

10 **record, counsel had a discussion about the**
11 **answer that you gave with respect to the**
12 **medication affecting your ability to recall**
13 **certain things. And it's important for us -- I**
14 **think we can all agree that it's important for**
15 **us to understand what medication you're taking,**
16 **when you started taking it and how you believe**
17 **it affects your memory. And I understand you**
18 **have a concern about disclosing or discussing**
19 **your medical history; and, you know, like I**
20 **said, I can't give you any advice. But to the**
21 **extent you're not going to disclose what**
22 **medicine you're on, how long you've been on it**
23 **and how you think it affects you, other than for**
24 **possibly forgetting names, as you testified to,**
25 **we're going to call the court to get a ruling.**

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1 EDWARD PARADISO

2 **And we can mark it confidential, which we have a**
3 **stipulation amongst the parties that**
4 **confidential information can only be disclosed**
5 **to certain people, meaning non-public**
6 **disclosures, and we can do that as a protection.**
7 **But again, it's up to you. I can't give you**
8 **advice. I can't tell you what to do. So I**
9 **guess I'll just pose the question.**

10 **Are you comfortable disclosing the 10:29:38AM**
11 **medicine, based on that, that you're taking?**

12 A No. 10:29:43AM

13 MR. NOVIKOFF: Just for the record, we 10:29:44AM
14 did have a conversation. And if the court
15 will be called, it will not be my doing. I
16 am -- I am of the position that if you
17 believe that you're on medication where you
18 can't truthfully and fully answer questions,
19 that the deposition should end because any
20 answers you may give would -- who would know
21 whether you were answering them fully or
22 truthfully given your medication. But this
23 is Mr. Goodstadt's deposition, and it's his
24 ballgame to play.

25 THE WITNESS: Well, I'm not saying 10:30:13AM

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1 EDWARD PARADISO

2 that I wouldn't answer the questions
3 truthfully.

4 BY MR. GOODSTADT: 10:30:17AM

5 **Q It just may affect your ability to 10:30:17AM**
6 **answer things fully?**

7 A Right. 10:30:21AM

8 MR. NOVIKOFF: Right. 10:30:21AM

9 BY MR. GOODSTADT: 10:30:21AM

10 **Q Do you think it would affect your 10:30:23AM**
11 **ability to recall everything fully or just**
12 **certain things?**

13 A It's hard to say what it is. You'd 10:30:27AM
14 have to ask the question, and I can tell you to
15 the best of my ability my answer as truthfully
16 as possible. If I feel I don't remember
17 something, I'll just say I don't remember it.

18 **Q And does it affect -- other than for 10:30:43AM**
19 **you possibly not being able to recall certain**
20 **things, does it affect your ability to tell the**
21 **truth?**

22 A No. 10:30:51AM

23 **Q It doesn't cause you to say something 10:30:51AM**
24 **that's false; it just affects your ability to**
25 **fully recall something?**

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1 **EDWARD PARADISO**
2 A No. 10:30:59AM
3 **Q Is that correct? 10:30:59AM**
4 A That's correct. 10:31:00AM
5 **Q Okay. 10:31:01AM**
6 MR. GOODSTADT: So why don't we get on 10:31:04AM
7 the phone with Judge Boyle and we'll ask.
8 BY MR. GOODSTADT: 10:31:09AM
9 **Q Again, I don't mean to put you in a 10:31:10AM**
10 **position where you're not comfortable, but**
11 **before this case goes forward, there's going to**
12 **be arguments made -- regardless of whose**
13 **deposition it is and who may have proposed to**
14 **end this deposition today, there's going to be**
15 **arguments made forward about you're not a**
16 **credible witness or you are a credible witness**
17 **because you testified that you're taking**
18 **medication that may affect your ability to**
19 **recall certain things. That's why it's**
20 **important for us to understand what it is that**
21 **affects your ability.**
22 A I understand. 10:31:36AM
23 **Q Okay. 10:31:37AM**
24 THE VIDEOGRAPHER: The time is 10:33. 10:31:39AM
25 We're going off the record.
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1 **EDWARD PARADISO**
2 (Whereupon, a discussion was held off 10:31:43AM
3 the record.)
4 THE VIDEOGRAPHER: The time is 10:38. 10:36:35AM
5 We are back on the record.
6 BY MR. GOODSTADT: 10:36:39AM
7 **Q Mr. Paradiso, other than for the 10:36:41AM**
8 **medication that you're taking, is there any**
9 **other reason that you can think of that would**
10 **potentially inhibit you from testifying fully or**
11 **truthfully today?**
12 A No. 10:36:52AM
13 **Q I believe that in response to one of 10:36:55AM**
14 **Mr. Novikoff's questions before, you testified**
15 **that you're not represented by an attorney**
16 **today; is that correct?**
17 A No. 10:37:02AM
18 **Q It's not correct? 10:37:03AM**
19 A No, that's correct. I'm not. 10:37:05AM
20 **Q And you stated that you had attempted 10:37:07AM**
21 **to get counsel; is that correct?**
22 A Yes. 10:37:11AM
23 **Q Okay. Why don't you tell me what your 10:37:11AM**
24 **attempts were to get counsel?**
25 A I wrote a letter to the Village of 10:37:14AM
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1 **EDWARD PARADISO**
2 Ocean Beach requesting that they provide me with
3 counsel.
4 **Q Who did you write that letter to? 10:37:20AM**
5 A I wrote it to the mayor. 10:37:22AM
6 **Q Mayor Loeffler? 10:37:27AM**
7 A Yes. 10:37:28AM
8 **Q Did you get a response from Mayor 10:37:30AM**
9 **Loeffler?**
10 A No. 10:37:33AM
11 **Q Did you get a response from anybody? 10:37:33AM**
12 A No. 10:37:35AM
13 **Q Did you ever follow up? 10:37:36AM**
14 A Did I follow up? 10:37:37AM
15 **Q Yeah, with Mayor Loeffler or anybody 10:37:38AM**
16 **else at the beach with respect to your request?**
17 A No. 10:37:42AM
18 **Q Had they ever provided you counsel in 10:37:46AM**
19 **the past?**
20 A Yes. In the Bridgett Peterson matter. 10:37:56AM
21 **Q Any other matters that they've 10:38:00AM**
22 **provided you with counsel other than for the**
23 **Bridgett Peterson matter?**
24 A No. 10:38:06AM
25 **Q Did you ever speak with anybody at 10:38:08AM**
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1 **EDWARD PARADISO**
2 **Ocean Beach other than for your letter about**
3 **your request for counsel?**
4 A No. 10:38:13AM
5 **Q So I take it you don't know why they 10:38:18AM**
6 **rejected your request for counsel?**
7 A I have no idea. 10:38:23AM
8 **Q When did you first learn that the 10:38:26AM**
9 **plaintiffs in this matter were making**
10 **allegations against the Village of Ocean Beach**
11 **police department and/or other individuals?**
12 MR. NOVIKOFF: Objection to the form. 10:38:36AM
13 Again, when you refer to the 10:38:38AM
14 allegations, you're talking about the
15 complaints that have been filed or
16 complaints about --
17 BY MR. GOODSTADT: 10:38:45AM
18 **Q Let's say a formal complaint in a 10:38:46AM**
19 **legal sense, whether it be the notice of claim,**
20 **formal complaint, charge of another government**
21 **agency or anything to that effect.**
22 MR. NOVIKOFF: Note my objection to 10:38:57AM
23 the form, but I understand it a little bit
24 better now.
25 A I believe it's when I read it in the 10:39:03AM
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1 EDWARD PARADISO
2 paper.
3 **Q Do you recall when that was? 10:39:12AM**
4 A No. 10:39:13AM
5 **Q Do you recall what year it was? 10:39:13AM**
6 A 2006. 10:39:19AM
7 **Q What paper did you read it in? 10:39:20AM**
8 A Newsday. 10:39:22AM
9 **Q What was your reaction when you read 10:39:28AM**
10 **it in Newsday?**
11 A I was heartbroken. 10:39:32AM
12 **Q What do you mean by that? 10:39:33AM**
13 A That all this was being alleged about 10:39:37AM
14 the department that I ran for such a long time.
15 **Q At or about the time that you read it, 10:39:56AM**
16 **did you speak with anybody or correspond with**
17 **anybody in Ocean Beach about the allegations?**
18 A No. 10:40:11AM
19 **Q Have you ever spoken with George Hesse 10:40:12AM**
20 **about the claims in this case, whether it be the**
21 **fact that they were brought or the actual**
22 **substance of the allegations?**
23 A Yes. 10:40:22AM
24 **Q How many times? 10:40:22AM**
25 A Three. 10:40:30AM
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1 EDWARD PARADISO
2 **Hesse?**
3 A Yes. 10:41:26AM
4 **Q In person? 10:41:26AM**
5 A Yes. 10:41:27AM
6 **Q Where were you guys located when you 10:41:28AM**
7 **had that conversation?**
8 A Right in front of the police station. 10:41:32AM
9 **Q So was it outside or inside the police 10:41:38AM**
10 **station?**
11 A Outside. 10:41:41AM
12 **Q Did you approach him about it or did 10:41:44AM**
13 **he approach you?**
14 A I asked him how he was doing. 10:41:51AM
15 **Q What was his response? 10:41:57AM**
16 A He said he was doing terribly. 10:42:00AM
17 **Q Did he explain what he meant by that? 10:42:07AM**
18 A They had the two cases going on at 10:42:09AM
19 that time. They had the allegations about the
20 abuse case that was going on and then also the
21 fact that this case was being brought.
22 **Q What else was discussed between the 10:42:29AM**
23 **two of you during that conversation?**
24 A Just how he was feeling. How it was 10:42:36AM
25 really affecting him mentally. That it was
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1 EDWARD PARADISO
2 MR. NOVIKOFF: And just so we're 10:40:31AM
3 clear, was your question concerning after he
4 read about them in Newsday?
5 BY MR. GOODSTADT: 10:40:38AM
6 **Q After you learned of these 10:40:38AM**
7 **allegations, you spoke three times with him?**
8 A Three. 10:40:39AM
9 **Q Okay. When was the first time? 10:40:40AM**
10 A I think the first time was Memorial 10:40:45AM
11 Day 2006.
12 **Q Okay. Where did you have that 10:40:58AM**
13 **discussion?**
14 A I had gone to the village to watch the 10:41:00AM
15 Memorial Day parade.
16 **Q And when you went to the village to 10:41:09AM**
17 **watch the Memorial Day parade, at that time, did**
18 **you know that the plaintiffs were making**
19 **allegations or did you learn about it when you**
20 **were out there at the parade?**
21 A I learned about it when I read the 10:41:20AM
22 paper.
23 **Q Where was your conversation -- strike 10:41:23AM**
24 **that.**
25 **Was it a verbal conversation with 10:41:24AM**
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1 EDWARD PARADISO
2 always on his mind. That it was an incredible
3 amount of pressure to be under.
4 **Q When you say it was always on his 10:42:54AM**
5 **mind, was he referring to the abuse case or was**
6 **he referring to this case?**
7 MR. NOVIKOFF: Objection. 10:43:01AM
8 MR. CONNOLLY: Objection. 10:43:02AM
9 A I think he was probably talking about 10:43:02AM
10 all the events that were taking place in
11 general.
12 **Q What else do you recall -- what else 10:43:10AM**
13 **do you recall Mr. Hesse stating in that**
14 **conversation?**
15 A I really don't recall anything else, 10:43:34AM
16 basically, that was said. It was kind of just
17 like I said, I can't believe what you're going
18 through, George, you know. I really feel bad,
19 you know. I had said that all you gotta do is
20 tell the truth because the truth is easy to
21 remember because it never changes, it's always
22 the truth. And I'm sure that once everything
23 comes to light, everything will work out.
24 That's basically what I said.
25 **Q Do you recall what he responded to 10:44:13AM**
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1 **EDWARD PARADISO**
2 **that?**
3 A No, I don't recall. 10:44:23AM
4 **Q How long did that conversation last? 10:44:28AM**
5 A Two or three minutes. 10:44:33AM
6 **Q Was anybody else there? 10:44:34AM**
7 A I don't think so. 10:44:37AM
8 **Q During that conversation, did 10:44:43AM**
9 **Mr. Hesse mention that he believed the police**
10 **station was bugged?**
11 A Yeah, I think he did say that. 10:44:54AM
12 **Q What did he say about that? 10:44:56AM**
13 A He said he thought that the police 10:44:58AM
14 station was bugged.
15 **Q Is that why you were outside? 10:45:02AM**
16 A No. He was outside when I walked up 10:45:06AM
17 and saw him.
18 **Q Did he tell you why he believed the 10:45:13AM**
19 **police station was bugged?**
20 A I believe he said that the District 10:45:30AM
21 Attorney's Office was investigating him with
22 regards to the abuse allegations and that he
23 felt that it wasn't safe to talk in the police
24 station.
25 **Q Did he tell you who he believed was 10:45:42AM**
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1 **EDWARD PARADISO**
2 I don't care how you're doing? And he hung up
3 the phone.
4 **Q He said, how about I don't care how 10:47:07AM**
5 **you're doing, and he hung up the phone?**
6 A Yeah. 10:47:07AM
7 **Q Do you know what he meant by that? 10:47:07AM**
8 A He sounded angry at me, and he really 10:47:09AM
9 didn't care how I was doing and hung up the
10 phone.
11 **Q Do you recall when that call was? 10:47:16AM**
12 A I think it was in the winter of 10:47:25AM
13 between 2006, 2007.
14 **Q Let's go back to the first 10:47:36AM**
15 **conversation you had that you testified to. Did**
16 **you discuss the substance of any of the**
17 **allegations at that time?**
18 A I don't believe so. 10:47:44AM
19 **Q Okay. And how about during the second 10:47:45AM**
20 **conversation which was by phone, did you discuss**
21 **the substance of any of the allegations?**
22 A No. 10:47:52AM
23 **Q How long was that phone call? 10:47:53AM**
24 A Minute, maybe two. 10:47:55AM
25 **Q Okay. Have you ever followed up with 10:47:57AM**
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1 **EDWARD PARADISO**
2 **bugging the police station?**
3 A No. 10:45:46AM
4 **Q Other than for what you've now 10:45:48AM**
5 **testified to, do you recall anything else that**
6 **was discussed in that conversation on Memorial**
7 **Day -- Memorial Day weekend?**
8 A No. 10:45:58AM
9 **Q When was the next time you spoke with 10:46:01AM**
10 **Mr. Hesse about the allegations or claims in**
11 **this matter?**
12 A The next time I spoke to him, it 10:46:12AM
13 wasn't exactly about the allegations in the
14 claims. It was just the next conversation I had
15 with him. I had called him up to find out the
16 status of my train pass, and I asked him how he
17 was doing. And he said, how do you think I'm
18 doing? He goes, I got District Attorney's
19 Office investigating me. I have this lawsuit
20 from the other officers going on. He goes, I'm
21 spending thousands and thousands of dollars on
22 attorneys. How the hell do you think I'm doing?
23 And I was like, George, I'm really sorry. He
24 said, how are you doing? I go, well, I go, my
25 back is really bothering me. He goes, how about
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1 **EDWARD PARADISO**
2 **him about what he meant by how about I don't**
3 **care how you're feeling?**
4 A I tried calling him right back, and 10:48:06AM
5 the officer that answered the phone said he was
6 unavailable.
7 **Q Do you recall which officer answered 10:48:12AM**
8 **the phone?**
9 A No. 10:48:14AM
10 **Q When was the next time you spoke with 10:48:18AM**
11 **George Hesse about the claims or allegations in**
12 **this case?**
13 A The next time I spoke to him was 10:48:23AM
14 Fourth of July 2007.
15 **Q Where were you located when -- 10:48:37AM**
16 A It might have been Memorial Day 2007. 10:48:38AM
17 This was at the -- I went back for 10:48:42AM
18 Memorial Day again, and I went into the police
19 station. And I said, you know, George, I go,
20 our last conversation, if I upset you in any
21 way, I'm sorry. You know, I didn't mean to
22 upset you. And he's like, hey, don't worry
23 about it. He goes, I was just having a bad day.
24 I said, okay. So I asked him how he was doing
25 then. He goes, not much better. Then something
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1 EDWARD PARADISO
2 happened in the police station, somebody had
3 stolen a wreath for the Memorial Day parade.
4 And they had a new system in the police station,
5 new video system where they had some cameras on
6 the ferry dock, and they were able to see who
7 took the wreath off the ferry dock. So they
8 were in the process of trying to round him up.
9 And, you know, things were busy. So Mayor
10 Loeffler was there too. He asked me how I was
11 feeling, I told him, and that was the end of the
12 conversation. So it was more or less kind of
13 like an apology, you know. It seemed like he
14 was upset with me. I didn't know why, but I
15 didn't want it to be bad blood because I've
16 known George for such a long time.
17 **Q Did you discuss the substance of the 10:50:08AM**
18 **plaintiffs' allegations with George at that**
19 **time?**
20 A No, I don't believe so. 10:50:11AM
21 **Q And other than for those three 10:50:14AM**
22 **conversations that you testified to, are there**
23 **any other conversations that you've had with**
24 **George Hesse about the claims or allegations?**
25 A Yes, there was another one. 10:50:22AM
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1 EDWARD PARADISO
2 So then he went into a little bit 10:51:52AM
3 about the District Attorney's investigation of
4 the allegations by the man who was claiming that
5 he had gotten beaten up, and he had said that --
6 you know, that he was going through a lot of
7 money for his defense but that he had to spend
8 it because, you know, he didn't do anything and
9 he -- he didn't want to get found guilty of
10 anything, obviously. And then he went into a
11 little bit about the five guys that were suing
12 him for wrongful termination.
13 **Q Why don't we focus on that piece. 10:52:40AM**
14 **What did he say about the five guys suing him**
15 **for wrongful termination?**
16 A He's like, I don't understand what the 10:52:47AM
17 problem was. I let these guys go. I told them
18 I would give them recommendations, and that
19 wasn't good enough. And then the next thing you
20 know I got a lawsuit. And I'm like, well, I go,
21 how can they sue you for, you know, wrongful
22 termination? I go, it's not like it's a Civil
23 Service job. It's a non-competitive
24 appointment. You're not guaranteed the job
25 every year. If we want you back, you come back.
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1 EDWARD PARADISO
2 **Q And when was that? 10:50:23AM**
3 A I think it was maybe the end of last 10:50:29AM
4 summer, maybe the beginning of fall. It was
5 outside my house. I was outside, and he drove
6 up on his motorcycle.
7 **Q Okay. Why don't you tell me 10:50:55AM**
8 **everything you recall from that conversation.**
9 A Well, he walked up and he goes -- he 10:50:58AM
10 goes, you got a minute? I'm like, yeah. He
11 goes, I really shouldn't be talking to you, but
12 I really feel like I need to apologize. So I
13 said, yeah, come in, you know. So we walked
14 into my backyard, and we sat on my back porch.
15 And he's like, you know, I really felt abandoned
16 by you because you got hurt and you weren't
17 there when everything started to happen, and I
18 really kind of blamed you because you weren't
19 there and everything was kind of like dropped in
20 my lap. And I know now it wasn't fair to blame
21 you because it wasn't your fault, you were just
22 hurt and there was nothing you could do about
23 not being there. So I said I appreciate that.
24 I go, don't worry about it. You were under a
25 lot of stress, you know.
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1 EDWARD PARADISO
2 If we don't want you back, you don't come back.
3 It's a part-time job. And he's like, I don't
4 know. I don't understand it either, but it's
5 really intense. I'm like, well, you know, I
6 don't know what to tell you. I go, you know,
7 did you do anything that you felt maybe you
8 could've did differently? He goes, no, no. I
9 offered them recommendations and everything
10 else, he goes, but, you know, they wanted their
11 jobs back, and I just -- I didn't want them
12 back. I go, well, there's not much you can do
13 about that. I go, I guess you just have to go
14 through the process and see how it turns out.
15 So that was basically the extent of our
16 conversation. We didn't go into individuals,
17 you know, each -- each guy. It was kind of like
18 a group conversation.
19 **Q Was anybody else there -- 10:54:20AM**
20 A No. 10:54:22AM
21 **Q -- other than you? 10:54:22AM**
22 A It was just myself and George. 10:54:23AM
23 **Q And what else was discussed during 10:54:25AM**
24 **that conversation other than for what you**
25 **testified to?**
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EDWARD PARADISO

A He asked how my kids were doing. I 10:54:31AM
asked how his kids were doing. He said that
he's been putting on a lot of weight because of
all the stress he was under. He asked how my
foot was, because I had had surgery. How my
back was doing. It was more or less -- it was
kind of like a nice -- a nice end to all the
other poor conversations that we had had in the
past. You know, I appreciated that he took the
time to come and, you know, apologize like that,
you know. It had meant a lot to me because I
had known him for so long, you know.

**Q Did you discuss at that time why he 10:55:26AM
let the five plaintiffs go?**

A I don't recall. 10:55:41AM

**Q At any point in time, did you ever 10:55:45AM
discuss why he let the five plaintiffs go?**

A He had said that he had caught Eddie 10:56:04AM
Carter sleeping, which I was surprised by,
because when Eddie worked for me, he always did
a good job. You know, he discovered a fire
burning in a dumpster at 4:30 in the morning.
If the guy's going to be sleeping on the job,
he's not going to find a fire at 4:30 in the

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EDWARD PARADISO

A I think he told me in my backyard. 10:57:56AM

Q Okay. 10:57:59AM

MR. NOVIKOFF: Do you want to ask him 10:58:03AM
about when Ed Carter told him that too?

BY MR. GOODSTADT: 10:58:07AM

**Q When did he tell you that he caught Ed 10:58:08AM
Carter sleeping as the reason for letting Ed
Carter go?**

A Same conversation. 10:58:14AM

**Q Did you have a response to the 10:58:15AM
reason -- whatever reason he gave for letting
Frank go?**

A Frank was my go-to guy when I needed 10:58:25AM
summonses written. I gave Frank a job to do.
It was enforcement on the beach, and nobody did
it better than Frank. The village wanted to see
enforcement at every village homeowner's
association meeting. All they'd do is complain
that there's never anybody on the beach,
nobody's enforcing the laws on the beach. When
Frank was out on the beach, people didn't
complain about that because he was out there
enforcing the different laws that the village
wanted enforced.

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EDWARD PARADISO

morning. He -- early in the morning at one of
the bars, one of the bartenders got hit over the
head with a bottle. Eddie was the only one on.
He was able to find the guy that did it and lock
up the guy who did it. If you're sleeping on
the job, you don't make arrests, you don't find
places on fire. Things just happen and you
discover it later. So it was a surprise to me
that Ed would be sleeping on the job.

**Q Did he give you any other reasons why 10:57:14AM
he let Ed go other than for caught him sleeping?**

A No. 10:57:22AM

**Q Did he give any reasons why he let the 10:57:23AM
other guys go, the other four plaintiffs in this
case?**

MR. NOVIKOFF: Note my objection to 10:57:30AM
the form of the question.

A He had said something about he let 10:57:34AM
Frank go because all Frank did was write
summonses, and the village wanted to take a
different -- a different way of enforcement.

Q When did he tell you that? 10:57:54AM

A When? 10:57:55AM

Q Yeah. 10:57:56AM

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EDWARD PARADISO

**Q Did the mayor ever claim to you that 10:59:03AM
no one was enforcing the law on the beach?**

MR. NOVIKOFF: Which mayor? 10:59:09AM

MR. GOODSTADT: Whoever the mayor was 10:59:11AM
at the time, any current sitting mayor.

MR. NOVIKOFF: Objection. 10:59:16AM

A The current mayor wasn't the mayor at 10:59:16AM
the time that I was working there.

**Q Did any sitting mayor at the time tell 10:59:20AM
you? Like for example, when Natalie Rogers was
mayor, did she ever tell you that the beach --
no one was enforcing the law on the beach?**

A She would get complaints from the 10:59:32AM
people that are on the beach, and then she would
come to me with the complaints. The complaints
would be vetted at village board meetings, at
Ocean Beach association meetings. People would
write letters in the village newspaper that the
laws were never being enforced. So I had Frank
make sure that when he saw somebody breaking one
of the laws on the beach, that he wrote
summonses on the beach. And he wrote more than
anybody.

Q In your mind as the chief of police at 11:00:10AM

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1 **EDWARD PARADISO**
2 **the time, was that a positive thing?**
3 A Yes. 11:00:15AM
4 MR. NOVIKOFF: Objection. 11:00:15AM
5 BY MR. GOODSTADT: 11:00:16AM
6 **Q Did you discuss Frank Fiorillo's being 11:00:19AM**
7 **let go with Mr. Hesse other than for what you**
8 **testified to thus far?**
9 A I don't recall. I don't think so. 11:00:32AM
10 **Q Did you discuss with Mr. Hesse the 11:00:35AM**
11 **reasons why he let Mr. Snyder go?**
12 A I don't recall why he said -- why he 11:00:46AM
13 let Tom go.
14 **Q Did you discuss with Mr. Hesse the 11:00:50AM**
15 **reasons why he let Mr. Lamm go?**
16 A I don't remember why he said he let 11:01:01AM
17 Lamm go.
18 **Q You don't recall what he said or you 11:01:04AM**
19 **don't recall whether you discussed it at all?**
20 A I don't recall if he discussed it at 11:01:09AM
21 all.
22 **Q How about Mr. Nofi, did you discuss 11:01:11AM**
23 **with Mr. Hesse the reasons why he let Mr. Nofi**
24 **go?**
25 A Joe was another person that I would 11:01:25AM
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1 **EDWARD PARADISO**
2 **before. Do you recall anything else that was**
3 **discussed between the two of you in that**
4 **conversation that you your backyard?**
5 A I think I asked him how his family was 11:03:30AM
6 holding up under all of it, how his kids were
7 doing. I knew them from when they were born,
8 you know. And we hadn't had a lot of really
9 good conversations over the last couple of
10 years, so I was just trying to catch up on all
11 the rest of the other stuff, you know, not
12 having to worry about all the legal things. It
13 was more or less just like how are your kids
14 doing in school? How's are things going? How's
15 this. He was asking my son was. My son was
16 preparing to go to Iraq then, and how I felt
17 about that. You know.
18 **Q I just want to focus on, I think you 11:04:05AM**
19 **called them legal things.**
20 A I'm sorry. 11:04:08AM
21 **Q Did you discuss any other legal 11:04:09AM**
22 **things?**
23 A I don't recall anything else about 11:04:12AM
24 that.
25 **Q Let me ask you a question. During the 11:04:13AM**
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1 **EDWARD PARADISO**
2 put up on the beach and he would write a lot of
3 summonses, but I don't recall specifically if he
4 said why he let Joe go.
5 **Q Okay. Now, again, other than for what 11:01:52AM**
6 **you testified to thus far, do you recall**
7 **anything else that you discussed with Mr. Hesse**
8 **in that meeting in your backyard?**
9 A It wasn't a actually a meeting. 11:02:00AM
10 **Q The discussion you had in your 11:02:03AM**
11 **backyard.**
12 A No. He was disappointed in the way 11:02:17AM
13 the village had kind of cut him and the other
14 guys that were being investigated for the
15 brutality case off from legal counsel. As soon
16 as the investigation went from the allegations
17 to an actual criminal complaint, he was
18 disappointed that the village just stepped back
19 and hung out the guys to swing on their own.
20 And not having a PBA, that you could just go and
21 get a PBA attorney, it forced all the guys that
22 were there to pay for their own defenses.
23 **Q Did Ocean Beach have a PBA? 11:03:00AM**
24 A No. 11:03:02AM
25 **Q Just going back to the question 11:03:05AM**
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1 **EDWARD PARADISO**
2 **conversation that you with Mr. Hesse on Memorial**
3 **Day of 2006, what was your position at the**
4 **beach, if any?**
5 A I was the chief of police. I was out 11:04:21AM
6 on disability.
7 **Q How about in conversation, the call 11:04:28AM**
8 **that you had with him in the winter of '06/'07?**
9 A I was the chief of police, out on 11:04:37AM
10 disability.
11 **Q How about the Memorial Day 2007 11:04:40AM**
12 **conversation?**
13 A I was chief of police, out on 11:04:43AM
14 disability.
15 **Q And then how about the conversation 11:04:46AM**
16 **you had with him last summer/fall?**
17 A I think my retirement had just gone 11:04:52AM
18 through.
19 **Q When did you retire? 11:04:55AM**
20 A My retirement became effective -- two 11:04:56AM
21 different dates they said it was effective. It
22 was either August 3rd of 2008 or July 29th of
23 2008. I'm not exactly certain which one turned
24 out to the official date.
25 **Q So somewhere at the end of July, 11:05:14AM**
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1 **EDWARD PARADISO**
2 **beginning of August 2008?**
3 A Yes. 11:05:17AM
4 **Q Have you ever read a copy of the 11:05:19AM**
5 **complaint in this matter?**
6 A No. 11:05:22AM
7 **Q Have you ever spoken with -- other 11:05:26AM**
8 **than for Mr. Hesse, have you ever spoken with**
9 **any employees of Ocean Beach about the claims?**
10 MR. NOVIKOFF: Objection. 11:05:37AM
11 At the time that he was speaking, did 11:05:38AM
12 he speak with present employees?
13 MR. GOODSTADT: Current or former 11:05:42AM
14 employees.
15 MR. NOVIKOFF: Okay. Note my 11:05:44AM
16 objection, but now it's a little bit more
17 clear.
18 A I spoke with Eddie Carter a couple of 11:05:47AM
19 times.
20 **Q Anyone else? 11:05:54AM**
21 A I spoke with all five of them when my 11:06:02AM
22 mom passed away. I think I spoke with Tommy
23 Snyder a couple times out in front of my house.
24 Joe Nofi called me and asked me for a letter of
25 recommendation for a police officer job. Frank
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1 **EDWARD PARADISO**
2 **job duties at Ocean Beach.**
3 A No. 11:07:58AM
4 **Q You never discussed with -- the 11:07:58AM**
5 **claims, even the fact that there were claims or**
6 **the specific allegations with Joe Loeffler?**
7 MR. NOVIKOFF: Objection. 11:08:07AM
8 A No. 11:08:08AM
9 **Q Have you ever spoken to Natalie Rogers 11:08:10AM**
10 **about the claims or the fact that there were**
11 **claims?**
12 A No. 11:08:14AM
13 **Q How about Pat Cherry, did you discuss 11:08:15AM**
14 **with him?**
15 A Pat Cherry? 11:08:18AM
16 **Q Yes. Senior. 11:08:19AM**
17 A I don't recall talking to him about 11:08:31AM
18 it, no.
19 **Q How about Ty Bacon? 11:08:33AM**
20 A I can't say that I recall talking to 11:08:47AM
21 Ty Bacon about anything like that, no.
22 **Q How about Richard Bosetti? 11:08:51AM**
23 A I haven't talked to any of the 11:08:58AM
24 employees of the village about the allegations
25 that were made.
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1 **EDWARD PARADISO**
2 called me for a letter of recommendation but
3 then never got back to me with who it was for or
4 what he needed it, but I had told him that I'd
5 give him one.
6 I saw Kevin Lamm at the airport when 11:06:54AM
7 my flight got delayed in the snow. As a matter
8 of fact, I spoke to him a couple of times
9 because he -- when he was working at the airport
10 for the town, he was able to get me a courtesy
11 parking pass to park at the airport. Back then,
12 before things got haywire, they were able to do
13 that for police officers.
14 **Q Other than for the five plaintiffs and 11:07:24AM**
15 **George Hesse, have you spoken to any other**
16 **current or former employees about the claims and**
17 **the allegations that are raised in the**
18 **complaint?**
19 A Not that I recall. 11:07:45AM
20 **Q How about any officials, whether it be 11:07:47AM**
21 **a mayor, someone who sits on the Board of**
22 **Trustees?**
23 MR. NOVIKOFF: Objection. 11:07:53AM
24 BY MR. GOODSTADT: 11:07:53AM
25 **Q Someone who's not an employee but has 11:07:53AM**
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1 **EDWARD PARADISO**
2 **Q When I say talk, I mean not just 11:09:03AM**
3 **verbally. I'm talking about communicate by**
4 **E-mail, on the phone, in person.**
5 A No. 11:09:11AM
6 **Q Have you ever had any communications 11:09:15AM**
7 **with anyone at the law firm of Rivkin Radler**
8 **about these claims?**
9 A Who represents -- who's Rivkin Radler? 11:09:23AM
10 **Q Mr. Novikoff firm, Rivkin Radler, him 11:09:27AM**
11 **and Michael Welch of his office.**
12 MR. NOVIKOFF: Well, is the question 11:09:30AM
13 has Mr. Paradiso spoken to me or Mr. Welch?
14 MR. GOODSTADT: Or anyone else at your 11:09:36AM
15 firm.
16 A I think they called me to come into a 11:09:38AM
17 deposition.
18 THE WITNESS: Didn't you want to have 11:09:40AM
19 a deposition with me prior to coming here?
20 MR. NOVIKOFF: I can't -- 11:09:45AM
21 A I think something like that, but there 11:09:45AM
22 was no substance involved. Just they wanted to
23 know what my availability was.
24 **Q Did you ever speak with anyone -- did 11:09:52AM**
25 **you ever speak with Mr. Connolly or anyone at**
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1 **EDWARD PARADISO**
2 **his firm, Marks O'Neil, about the plaintiffs?**
3 A I don't think so. 11:09:57AM
4 **Q Did you ever speak to anyone at Bee 11:09:58AM**
5 **Ready and Fishbein?**
6 A No. 11:10:03AM
7 **Q Did you ever speak to any current or 11:10:03AM**
8 **former residents of Ocean Beach about these**
9 **claims?**
10 MR. NOVIKOFF: The plaintiffs' claims? 11:10:10AM
11 MR. GOODSTADT: Yes. 11:10:12AM
12 A Not that I recall, no. 11:10:27AM
13 **Q Did you ever speak with Ken Gray about 11:10:29AM**
14 **the claims?**
15 A No. 11:10:40AM
16 **Q Do you know who Ken Gray is? 11:10:41AM**
17 A Yes. He works for the village 11:10:42AM
18 attorney's office.
19 I didn't have any conversations with 11:10:48AM
20 Ken or any of the representatives of the
21 village, because I had -- I was in the process
22 of my own lawsuit with them. So they wouldn't
23 talk to me directly.
24 **Q When were you first hired at Ocean 11:11:08AM**
25 **Beach?**
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1 **EDWARD PARADISO**
2 officers. We were adjunct to the police
3 department. There were police officers working.
4 We were police constables. So we issued
5 summonses, but we couldn't make warrant arrests.
6 If we were issuing a summons to somebody and it
7 turned out that they had a warrant, we had to
8 get one of the police officers in to make the
9 arrest.
10 **Q Did you have to take any tests 11:12:34AM**
11 **administered by Suffolk County Civil Service?**
12 A Not for the police constable job, no. 11:12:39AM
13 **Q How long did you have that job? 11:12:43AM**
14 A I was a police constable until October 11:12:44AM
15 of 1982.
16 **Q And what position did you have 11:12:52AM**
17 **starting October of '82?**
18 A Then I was sworn in as a police 11:12:55AM
19 officer and entered into the Suffolk County
20 police academy.
21 **Q Were you sworn in as a police officer 11:13:04AM**
22 **on Ocean Beach?**
23 A Uh-huh. Yes. 11:13:07AM
24 **Q When did you graduate the academy? 11:13:08AM**
25 A May of 1983. 11:13:11AM
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1 **EDWARD PARADISO**
2 A May of 1982. 11:11:14AM
3 **Q What was the position you were hired 11:11:21AM**
4 **for?**
5 A Police constable. 11:11:23AM
6 **Q Police constable? 11:11:26AM**
7 A Uh-huh. Yes. 11:11:27AM
8 **Q And who did you report to in that 11:11:31AM**
9 **position?**
10 A Joe Loeffler, Sr. 11:11:34AM
11 **Q He was the chief of police at the 11:11:35AM**
12 **time?**
13 A Yes. 11:11:37AM
14 **Q Was that your first law enforcement 11:11:41AM**
15 **job?**
16 A Yes. 11:11:43AM
17 **Q Did you have to graduate the academy 11:11:51AM**
18 **to get a job as a police constable?**
19 A No. 11:11:54AM
20 **Q Did you have to take any training to 11:11:54AM**
21 **be a police constable?**
22 MR. NOVIKOFF: Objection. 11:11:55AM
23 A Joe Loeffler put us through a mini 11:11:56AM
24 training camp, firearms, deadly force and law.
25 But we worked -- we didn't work as police
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1 **EDWARD PARADISO**
2 **Q Did you have to take any tests 11:13:15AM**
3 **administered by Suffolk County Civil Service to**
4 **become a police officer in Ocean Beach in**
5 **October of '82 through May of '83?**
6 A No, I did not. 11:13:27AM
7 **Q How about after May of 1983, did you 11:13:28AM**
8 **have to take any tests administered by Suffolk**
9 **County Civil Service?**
10 A Yes. 11:13:34AM
11 **Q When did you take those tests? 11:13:35AM**
12 A I took it in 1985. 11:13:36AM
13 **Q What tests did you take? 11:13:40AM**
14 A It was the police officer. 11:13:41AM
15 **Q Was that a written test? 11:13:45AM**
16 A Yes. 11:13:47AM
17 **Q Did you have to take any other tests 11:13:47AM**
18 **to become a police officer at that time?**
19 A There was a physical agility and a 11:13:52AM
20 medical.
21 **Q Any others? 11:13:59AM**
22 A No. 11:14:00AM
23 **Q You didn't have to take a polygraph? 11:14:01AM**
24 A No. 11:14:03AM
25 **Q You didn't have to take a 11:14:04AM**
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1 **EDWARD PARADISO**
2 **psychological?**
3 A Yes. Medical, physical, 11:14:06AM
4 psychological.
5 **Q And you took all those tests? 11:14:11AM**
6 A Yes. 11:14:12AM
7 **Q Passed them all? 11:14:13AM**
8 A Uh-huh. Yes. 11:14:14AM
9 **Q How long did you hold the position as 11:14:25AM**
10 **police officer -- strike that.**
11 **When did you get the position as 11:14:29AM**
12 **police officer?**
13 A October of 1982. 11:14:33AM
14 **Q And how long did you serve in that 11:14:34AM**
15 **role?**
16 A Until December of 1985. 11:14:37AM
17 **Q And what was the -- what, did you get 11:14:42AM**
18 **another position in December of '85?**
19 A In December of '85, I was promoted to 11:14:46AM
20 acting sergeant.
21 **Q Did anyone hold the position of 11:14:54AM**
22 **sergeant prior to you taking over as acting**
23 **sergeant?**
24 A No. 11:15:00AM
25 **Q Who promoted you? 11:15:00AM**
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1 **EDWARD PARADISO**
2 A Police sergeant. 11:16:13AM
3 **Q Who promoted you to that title? 11:16:18AM**
4 A I took the Suffolk County police 11:16:20AM
5 sergeant's examination, and the village board
6 promoted me.
7 **Q Did you pass that test the first time? 11:16:30AM**
8 A Yes. 11:16:32AM
9 **Q Was it required to pass that test to 11:16:33AM**
10 **become a police sergeant on Ocean Beach?**
11 MR. NOVIKOFF: Objection. 11:16:37AM
12 A I believe so, yes. 11:16:42AM
13 **Q What's the basis of your belief? 11:16:44AM**
14 A Well, they told me they me I had to 11:16:46AM
15 pass the test.
16 **Q Who told you that? 11:16:52AM**
17 A Joe Loeffler. 11:16:53AM
18 **Q Did you have to take any other tests 11:16:54AM**
19 **to become sergeant other than for the Suffolk**
20 **County Civil Service sergeant's test?**
21 A I went through the Suffolk County 11:17:00AM
22 sergeant's supervision school.
23 **Q When did you do that? 11:17:06AM**
24 A I think somewhere between '86 and '88, 11:17:15AM
25 somewhere in that time frame. I don't recall.
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1 **EDWARD PARADISO**
2 A Joe Loeffler. 11:15:03AM
3 **Q Senior? 11:15:04AM**
4 A Yes. 11:15:05AM
5 **Q Did you have to take any tests 11:15:08AM**
6 **administered by Civil Service to get the**
7 **position as acting sergeant?**
8 A No. 11:15:14AM
9 **Q Did the board vote on it? 11:15:15AM**
10 A No. 11:15:17AM
11 **Q What does it mean to be acting 11:15:25AM**
12 **sergeant of Ocean Beach?**
13 MR. NOVIKOFF: Objection. 11:15:29AM
14 A You were the supervisor. I was the 11:15:33AM
15 second in command.
16 **Q Do you know whether that change in 11:15:45AM**
17 **position was reported to Civil Service?**
18 A I do not know. 11:15:49AM
19 **Q How long did you hold the position of 11:15:57AM**
20 **acting sergeant?**
21 A I think it was probably about year or 11:16:02AM
22 two.
23 **Q So until '86 or 87? 11:16:06AM**
24 A '86, 87, yeah. 11:16:09AM
25 **Q What was your next title? 11:16:11AM**
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1 **EDWARD PARADISO**
2 **Q Did you have to go through the Suffolk 11:17:28AM**
3 **County sergeant's supervisor school to become**
4 **sergeant?**
5 A No. 11:17:33AM
6 **Q It was something you did voluntarily? 11:17:35AM**
7 A Yeah. 11:17:37AM
8 **Q Did you get like a certificate or 11:17:40AM**
9 **something for it?**
10 A I believe so. 11:17:42AM
11 **Q Did you take any other tests to become 11:17:49AM**
12 **sergeant?**
13 A No. 11:17:51AM
14 **Q Who was the mayor at the time? 11:17:55AM**
15 A It was either Ed Krepella or Mike 11:18:07AM
16 Youchah. I'm not certain. Krepella,
17 K-R-E-P-E-L-L-A. And Youchah, Y-O-U-C-H-A-H.
18 **Q How long did you hold the position of 11:18:30AM**
19 **sergeant?**
20 A Until I was promoted to acting chief 11:18:33AM
21 of police.
22 **Q When was that? 11:18:35AM**
23 A 1992. April of '92. 11:18:38AM
24 **Q Who promoted you to that position? 11:18:43AM**
25 A Village board. 11:18:45AM
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1 EDWARD PARADISO
2 **Q Was Joe Loeffler, Sr. still the chief 11:18:51AM**
3 **at the time?**
4 A No, he retired. 11:18:54AM
5 **Q He retired. At or about that time? 11:18:56AM**
6 A Yes. 11:18:58AM
7 **Q So there was no chief or acting chief 11:18:59AM**
8 **in between Joe Loeffler and you?**
9 A No. 11:19:03AM
10 **Q Why were you promoted to acting chief 11:19:06AM**
11 **as opposed to chief?**
12 A Because I never took the chief's test. 11:19:10AM
13 **Q Was that something that was required 11:19:19AM**
14 **to take to be chief of police at Ocean Beach?**
15 MR. NOVIKOFF: Objection. 11:19:24AM
16 A I don't believe so. Because Joe 11:19:24AM
17 Loeffler never took the chief's test either. He
18 was a Civil Service sergeant.
19 **Q But he held the title of chief? 11:19:36AM**
20 A He held the title of chief. 11:19:38AM
21 **Q Okay. And who was the mayor in 1992, 11:19:41AM**
22 **when you were promoted to acting chief?**
23 A Michael Youchah. 11:19:46AM
24 **Q Did you need to have passed the 11:19:51AM**
25 **sergeant's test to become the acting chief?**
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1 EDWARD PARADISO
2 **Q Did the board ever appoint you chief 11:20:50AM**
3 **of police?**
4 A They appointed me chief of police. 11:21:03AM
5 **Q So they didn't appoint you acting 11:21:04AM**
6 **chief --**
7 A No. 11:21:07AM
8 **Q -- in April of '92? 11:21:08AM**
9 A I guess it was chief of police. 11:21:09AM
10 **Q Who was on the board that voted 5/0? 11:21:11AM**
11 A Mike Youchah was the mayor. Barbara 11:21:16AM
12 Bruna. Give me a second.
13 Did I say Arthur Sillsdorf? 11:22:14AM
14 **Q No. 11:22:18AM**
15 A Arthur Sillsdorf. I don't recall the 11:22:19AM
16 names of the other two people. I can see their
17 faces, but I can't recall their names.
18 **Q Okay. So at any point in time between 11:22:37AM**
19 **April 1992 and the date in July or August of '08**
20 **that you retired, did you ever take the Civil**
21 **Service test for chief?**
22 A No. 11:22:49AM
23 **Q Did you ever sign up to take the test? 11:22:51AM**
24 A No. 11:22:53AM
25 **Q What were your job duties as the chief 11:23:02AM**
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1 EDWARD PARADISO
2 MR. NOVIKOFF: Objection. 11:19:56AM
3 A Yes. 11:19:56AM
4 **Q Yes? 11:19:57AM**
5 A Yes. 11:19:57AM
6 THE WITNESS: I'm sorry. 11:20:01AM
7 MR. NOVIKOFF: Don't apologize. Don't 11:20:02AM
8 worry about it.
9 BY MR. GOODSTADT: 11:20:06AM
10 **Q And the board actually voted on 11:20:06AM**
11 **promoting you to acting chief?**
12 A 5/0. Five votes yes. 11:20:11AM
13 **Q How long did you hold the title of 11:20:17AM**
14 **acting chief?**
15 A Until I retired. 11:20:20AM
16 **Q So you never held the position of 11:20:27AM**
17 **chief of police?**
18 MR. NOVIKOFF: Note my objection to 11:20:32AM
19 the form of the question.
20 A I was the chief of police, acting or 11:20:34AM
21 otherwise. There was no other one I reported to
22 other than the mayor. So there was no
23 difference in the title or anything one way or
24 the other, if it was acting or not. So I was
25 the chief of police.
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1 EDWARD PARADISO
2 **of police?**
3 MR. NOVIKOFF: When? 11:23:08AM
4 BY MR. GOODSTADT: 11:23:12AM
5 **Q Any point in time from the time they 11:23:12AM**
6 **got you and to the time you retired.**
7 A I was in charge of the police 11:23:17AM
8 department. I created the budget. I wrote out
9 the schedules. I was the administrative officer
10 of the entire department.
11 **Q Did you have hiring and firing 11:23:36AM**
12 **authority?**
13 A Yes. 11:23:38AM
14 **Q Who told you that you had hiring and 11:23:48AM**
15 **firing authority?**
16 MR. NOVIKOFF: Objection to form. 11:23:54AM
17 A I don't think anyone ever told me if I 11:24:01AM
18 had hiring or firing authority. I just ran the
19 department.
20 **Q Did you need approval from anybody to 11:24:07AM**
21 **hire or fire an officer?**
22 A No. 11:24:11AM
23 **Q Did you ever seek approval to hire -- 11:24:13AM**
24 **when you hired or fired an officer when you were**
25 **the chief of police?**
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EDWARD PARADISO

A Oh, when we hired -- yes. When -- for 11:24:20AM
a full-time position. When I became chief,
there was an opening for supervisor. So I
recommended Robert Golopi, and he was approved
by the board for that position. And then later
on when they approved a second officer, I
recommended George Hesse for the position, and
then the village approved that.

**Q Did you seek approval for hiring or 11:24:54AM
firing at any point other than for Golopi and
Hesse?**

A I would -- I would hire people, but 11:25:00AM
they would have to be -- they would have to be
all be approved by the village board. They
would have a board meeting and approve the
hirings for the season, the new hires. So yes,
I guess I had to get approval for everyone I
hired.

**Q And how did you propose the list of 11:25:21AM
people for the season to the board? Was it in
writing, verbally?**

A I submitted the list, the names to the 11:25:27AM
village manager. The village manager would have
them added to the agenda, and then it would be

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EDWARD PARADISO

put them on.

**Q Did you do anything to check to make 11:26:50AM
sure they were certified to work in Suffolk
County as police officers?**

A No. If they were police officers in 11:27:16AM
the State of New York, then I'd put them on to
work.

**Q Is it your understanding that if a 11:27:25AM
police officer served anywhere in the State of
New York, that they would be certified to work
as a police officer in Suffolk County?**

MR. NOVIKOFF: Objection to form. 11:27:34AM

A If they -- we would hire guys that -- 11:27:55AM
some guys that were working for the Suffolk
County Police Department. They would go right
on. Nassau County, they would go right on. If
they worked in the city, I was under the
impression that they could work for me. But it
turned out that Suffolk wanted them to go
through their investigative process. So we
worked out a procedure with the Suffolk County
Civil Service Department to put the guys through
their background investigation process to bring
them back on. This was after the fact. They

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EDWARD PARADISO

brought up at a meeting.

**Q Did you submit anything other than for 11:25:38AM
names, sort of like backgrounds or resumes or
anything else?**

A I don't believe so. 11:25:48AM

**Q Did you do anything to confirm that 11:25:54AM
the people that were on these lists were
certified to work as police officers?**

MR. NOVIKOFF: Objection. 11:26:01AM

BY MR. GOODSTADT: 11:26:01AM

Q Prior to submitting that list? 11:26:01AM

A The majority of the time we would do 11:26:03AM
interviews of potential candidates, background
investigations would be done and then they'd be
sent to the police academy. The list would be
submitted to the Suffolk County Police
Department. The Civil Service office would --
then they'd enter into the police academy.

**Q How about for officers who had already 11:26:29AM
passed the police academy?**

A Then they would just -- I would just 11:26:36AM
hire them and put them -- if they municipal
police training council certificates, if they
worked at other departments, then I would just

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EDWARD PARADISO

had already -- some of them had already been
working for me for a while. And something got
flagged, that there was an impropriety with
something like that, so we worked with Civil
Service to work it through to get the guys
certified with Suffolk Civil Service.

**Q We'll go over that later in a little 11:28:50AM
bit more detail.**

MR. NOVIKOFF: Aw, I was hoping to do 11:28:54AM
that now.

MR. GOODSTADT: We'll just go over it 11:29:00AM
later in a little bit more detail.

BY MR. GOODSTADT: 11:29:07AM

**Q When you said you were the head 11:29:07AM
administrative officer or head administrative
person for the department, did you make policy
for the department?**

A Yes. 11:29:15AM

**Q Did you ever hold yourself out outside 11:29:24AM
of Ocean Beach as being the chief of police at
Ocean Beach?**

A I don't understand the question. 11:29:31AM

**Q Did you ever tell anybody outside of 11:29:32AM
Ocean Beach that you were the chief of the**

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1 **EDWARD PARADISO**
2 **police in Ocean Beach? Like, for example, did**
3 **you register with the New York State registry of**
4 **police officers that you were the chief of**
5 **police?**
6 A Is there a New York State registry of 11:29:53AM
7 police officers?
8 **Q Any entity in New York State, did you 11:29:58AM**
9 **register yourself as a chief of police?**
10 A There was a book of local village 11:30:03AM
11 officials that would put down the mayor, police
12 department, who was the chief of police. I
13 would be listed as chief of police in that book.
14 Whenever I had correspondence with other police
15 agencies, I was the chief of police. That's how
16 I was sworn in when I got sworn in at the
17 village as chief of police.
18 **Q During your time as chief of police, 11:30:35AM**
19 **did you ever discipline any of the five**
20 **plaintiffs in this matter?**
21 A About this matter? 11:30:47AM
22 **Q No, no. Did you ever discipline any 11:30:49AM**
23 **of the five plaintiffs about any matter?**
24 MR. NOVIKOFF: Objection to form. 11:30:56AM
25 MR. GOODSTADT: So why don't we break 11:31:00AM
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1 **EDWARD PARADISO**
2 academy, not all of them had a lot of experience
3 as police officers. So they got it basically on
4 the job with us. And if something came up that
5 I didn't feel they were doing it the right way,
6 I would tell them this is the way I want to see
7 it done.
8 **Q Let's just stick with that right now. 11:31:57AM**
9 A Okay. 11:32:00AM
10 **Q Did you ever have to do that with any 11:32:00AM**
11 **of the five plaintiffs?**
12 A I had to tell Frank to -- at one 11:32:03AM
13 point, Frank Fiorillo was given an order by
14 George Hesse to wash the windows of the police
15 car, and Frank -- what I was told was that Frank
16 refused to do it, and that upset George. And so
17 I had to tell Frank, when the sergeant gives you
18 an order, you're expected -- as long as it's
19 reasonable, I expect you to follow the order.
20 That it shouldn't happen again. And Frank had
21 no problem with that. Frank was unhappy with
22 the way the request was given, and I told Frank
23 that in the future, I'll make sure that when
24 he's given requests to do certain jobs, they
25 would be given in an appropriate manner, that it
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1 **EDWARD PARADISO**
2 it down.
3 BY MR. GOODSTADT: 11:31:02AM
4 **Q When you were chief of police or 11:31:02AM**
5 **acting chief of police, did you ever discipline**
6 **Frank Fiorillo?**
7 A What do you mean by discipline? 11:31:08AM
8 **Q What's your understanding of the word 11:31:10AM**
9 **"discipline" in relation to your position as**
10 **chief of police?**
11 A Well, if I had to discipline an 11:31:15AM
12 officer means he did something wrong. So are
13 you talking about suspension? Are you talking
14 about --
15 **Q I'm talking about any kind of 11:31:24AM**
16 **discipline, verbal, written, suspension.**
17 MR. NOVIKOFF: Even including telling 11:31:28AM
18 an officer that he or she did something
19 wrong?
20 BY MR. GOODSTADT: 11:31:33AM
21 **Q Well, do you consider that to be 11:31:33AM**
22 **discipline?**
23 A No, I think that is supervision. You 11:31:37AM
24 know, our department, it was a seasonal
25 department, and guys came out of the police
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1 **EDWARD PARADISO**
2 wouldn't upset him.
3 **Q Did you ever have to speak with George 11:33:00AM**
4 **Hesse about that --**
5 A Yeah. 11:33:03AM
6 **Q -- about Frank's claim that he -- 11:33:03AM**
7 A I'm sorry. 11:33:07AM
8 **Q Did you ever speak with George Hesse 11:33:07AM**
9 **about Frank's claim that the order was given in**
10 **an inappropriate manner?**
11 A Yes. 11:33:15AM
12 **Q And what was George Hesse's response? 11:33:16AM**
13 A He didn't understand why Frank was 11:33:20AM
14 upset. He asked Frank to wash the windows, and
15 Frank took it like it was beneath him to wash
16 the windows of the police car. And I said,
17 well, that's kind of silly, because everybody
18 maintains the vehicles. I wash the police car.
19 Why would Frank have a problem with that? And
20 he said, I don't know, but he did.
21 **Q Do you know whether Frank was on duty 11:33:40AM**
22 **at the time he was asked to wash the police car?**
23 A I believe he was. 11:33:44AM
24 **Q He was on duty? What's the basis of 11:33:46AM**
25 **that belief, that he was on duty?**
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EDWARD PARADISO

A Why would he be given orders to do things if he wasn't on duty? 11:33:51AM

Q Is it possible that that's why Frank was upset? 11:33:55AM

MR. NOVIKOFF: Objection as to what this witness thinks is possible or not. But I can't tell him not to answer. 11:33:59AM

A I don't know. 11:34:10AM

Q Other than for that conversation with Mr. Fiorillo, did you ever have to tell any of the five plaintiffs in this case that they were doing something incorrectly? 11:34:13AM

A We had a civilian complaint about Frank by a young man who said that Frank threatened to shoot him in the face, and I spoke to the young man. It didn't seem like a very credible complaint, but I had to speak with Frank about it anyway. And when I spoke to Frank about it, it was -- he had stopped him for riding a bike at night without a light, I think, and the kid caught an attitude with Frank; and Frank had said that if he doesn't calm down, he's going to shoot him with Mace, which is a chemical irritant. And so there was the shoot

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EDWARD PARADISO

A No, I did not. 11:36:30AM

Q Other than for those two instances with Mr. Fiorillo, did you ever have to tell any of the other five plaintiffs -- any of the five plaintiffs that they had done anything wrong? 11:36:36AM

A I had to speak with Officer Nofi a couple of times about how he would write out summonses. It was very difficult to read sometimes. He didn't have the greatest penmanship. So I asked him to kind of -- it wasn't so much I couldn't read them. The court clerk couldn't read them, and she had to give them to the judge. So he had to take extra time in writing out his summonses, because at times he could be sloppy when he wrote summonses out. 11:36:46AM

Q Anything else with respect to the other five plaintiffs in this case? 11:37:20AM

A I think I had to talk with Tommy Snyder once or twice about his attendance. Sometimes he would -- something would come up at his other job and he wouldn't be able to come in, and it got to be a little bit of a problem from time to time, especially when you're running in the off season, when you only have

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EDWARD PARADISO

the face or shoot with the Mace. There was -- you know, there was a question as to what words were used, and that was the end of the complaint. I felt satisfied that Frank wasn't threatening people with his gun. 11:35:51AM

Q Was it a violation of any law or ordinance to ride your bike without a light? 11:35:44AM

A Yeah. 11:35:51AM

Q And if somebody violates an ordinance, 11:35:51AM acts unruly, would it be appropriate to use Mace?

MR. NOVIKOFF: Objection to the form. 11:35:59AM

A It wouldn't be appropriate to instantly use Mace. You use the level of force needed to effect whatever action you need to take place. So if he asked the person to get off the bike, they don't get off of the bike, you're gonna have to stop them because you're going to have issue a summons. If they're going to roll around on the ground with you, yeah, then at that point it would be viable that you could use Mace to subdue somebody. 11:36:00AM

Q Did you conclude that Mr. Fiorillo did anything wrong in that incident? 11:36:26AM

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EDWARD PARADISO

one or two guys there that were coming in for a shift. When one guy calls in at the last minute, it really puts you in a spot to fill the spot at the time.

Q Did he always call in? 11:38:17AM

A Oh, he always called in. He never just not showed up. But I think I had to ask him, listen, you gotta -- you're going to have to either give me the dates that you know you're definitely going to be available or we're going to have to work something out, you know, with your shifts, because if you call in, you know, we're stuck, so -- but I don't think -- I don't look at that as a disciplinary action. It was just -- it was more or less a courtesy type of a thing for me, because it would put me out to try to find guys for those spots if some guys didn't come in. 11:38:18AM

THE WITNESS: Can I just ask a question? I'm a little chilly. Is it cool in here? 11:38:51AM

MR. GOODSTADT: Why don't we change the tape, go off the record. 11:38:55AM

THE VIDEOGRAPHER: The time is 11:40. 11:39:00AM

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1 EDWARD PARADISO
2 We're going off the record.
3 (Whereupon, a discussion was held off 11:39:08AM
4 the record.)
5 THE VIDEOGRAPHER: The time is 11:50. 11:49:13AM
6 We are back on the record.
7 BY MR. GOODSTADT: 11:49:16AM
8 **Q I just want to go back to the line of 11:49:17AM**
9 **questioning that we were discussing before.**
10 **Other than what you testified to, did 11:49:21AM**
11 **you have any other occasion in which you needed**
12 **to tell one of the five plaintiffs that they**
13 **were doing something incorrectly?**
14 A Nothing that stands out in my mind. 11:49:44AM
15 **Q Did you ever have to take any 11:49:46AM**
16 **disciplinary action against any of the five**
17 **plaintiffs?**
18 A I don't recall. 11:49:58AM
19 **Q Did there come a point when George 11:50:09AM**
20 **Hesse was hired to work in Ocean Beach?**
21 A Yes. 11:50:14AM
22 **Q Do you recall when that was? 11:50:14AM**
23 A I think he -- I'm guessing. '92, '93, 11:50:25AM
24 around there.
25 **Q What position was he hired for 11:50:31AM**
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1 EDWARD PARADISO
2 A Well, a seasonal police officer was 11:52:04AM
3 allowed to work from May through September.
4 It's a non-competitive appointment. As opposed
5 to a full-time officer, which would have to come
6 off of the Civil Service list.
7 **Q And does a seasonal police officer -- 11:52:25AM**
8 **is there any relationship between hiring a**
9 **seasonal police officer and a full-time police**
10 **officer, meaning that is it like a stepping**
11 **stone for a full-time position?**
12 MR. NOVIKOFF: Objection. 11:52:37AM
13 A It's not automatic -- it's not an 11:52:41AM
14 automatic stepping stone, because there were
15 only so many positions with the village police
16 department on a full-time basis. Traditionally,
17 it was the head of the department and one
18 full-time police officer. The rest of the
19 department was seasonal and part-time.
20 **Q What's the difference between seasonal 11:53:01AM**
21 **and part-time?**
22 A Part-time, you worked in the winter. 11:53:05AM
23 **Q Was that a competitive position? 11:53:07AM**
24 A No. 11:53:10AM
25 **Q So it didn't have to come off a list? 11:53:10AM**
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1 EDWARD PARADISO
2 **originally?**
3 A Seasonal police officer. 11:50:34AM
4 **Q Who was the person who hired him? 11:50:40AM**
5 A I was the chief at the time, so we put 11:50:43AM
6 him through the police academy.
7 **Q Prior to Mr. Hesse demonstrating an 11:50:52AM**
8 **intent to work at the Ocean Beach Police**
9 **Department, had you known Mr. Hesse?**
10 A No. 11:51:05AM
11 **Q Do you recall how you first met him? 11:51:07AM**
12 A He came in for an interview. 11:51:12AM
13 **Q You interviewed him? 11:51:18AM**
14 A Uh-huh. Yes. 11:51:19AM
15 **Q Did anyone else interview him? 11:51:20AM**
16 A I think Bob Golopi was there too. 11:51:23AM
17 **Q Was Golopi the sergeant at the time? 11:51:30AM**
18 A No. He was just the full-time police 11:51:36AM
19 officer.
20 **Q Other than for you and Golopi at the 11:51:49AM**
21 **time, were there any other full-time police**
22 **officers?**
23 A No. 11:51:54AM
24 **Q When you say seasonal police officer, 11:52:01AM**
25 **what do you mean by that?**
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1 EDWARD PARADISO
2 A No. 11:53:13AM
3 **Q At the time that Mr. Hesse was hired, 11:53:15AM**
4 **do you know whether he had passed a Civil**
5 **Service test?**
6 MR. CONNOLLY: The question refers to 11:53:36AM
7 his hiring as a seasonal officer?
8 MR. GOODSTADT: Yes. 11:53:39AM
9 A I'm not certain whether or not they 11:53:42AM
10 required the seasonals to go through any of the
11 other portions of the police officer examination
12 other than the academy back then. There was a
13 point in time that they went from -- they just
14 went through the police academy to they had to
15 go through the psych, medical and physical. I'm
16 not certain whether he had to do that for the
17 seasonal position.
18 **Q How long was he a seasonal police 11:54:19AM**
19 **officer?**
20 A Until 1994 -- yeah, until 1994. 11:54:36AM
21 **Q And what happened in '94? 11:54:39AM**
22 A In '94 the village approved the second 11:54:40AM
23 full-time position, and George was nominated for
24 that position.
25 **Q Who nominated him? 11:54:51AM**
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1 **EDWARD PARADISO**
2 A I put him up for the job. He had 11:54:52AM
3 already taken the Civil Service examination.
4 The village board approved his nomination.
5 **Q And what -- did he have to take any 11:55:07AM**
6 **tests at that time other than for the written**
7 **Civil Service test?**
8 A He had to take the medical, physical 11:55:15AM
9 and psychological test.
10 **Q Do you know whether he took those? 11:55:19AM**
11 A Yes, he did. 11:55:20AM
12 **Q All three of them? 11:55:21AM**
13 A Yes. 11:55:21AM
14 **Q Did he pass them all? 11:55:22AM**
15 A Yes. 11:55:24AM
16 **Q The first time? 11:55:25AM**
17 A He didn't pass the agility the first 11:55:25AM
18 time.
19 **Q So he failed the agility the first 11:55:28AM**
20 **time?**
21 A Yes. 11:55:31AM
22 **Q Was there a one-strike policy that if 11:55:31AM**
23 **you failed the physical agility, that you**
24 **couldn't take it again to be a police officer?**
25 A No. They gave you an appeal. You 11:55:39AM
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1 **EDWARD PARADISO**
2 legislator in our area.
3 **Q What was the content of that letter? 11:56:54AM**
4 A That George has been working in the 11:56:58AM
5 title of a seasonal police officer, part-time
6 police officer, and that he was working
7 successfully in that role and that he deserved
8 another opportunity to be able to pass that
9 agility test.
10 **Q Did you ever receive a response? 11:57:21AM**
11 A I don't recall. 11:57:30AM
12 **Q And to your understanding, he got 11:57:33AM**
13 **another opportunity to take the agility test?**
14 A Yes. 11:57:37AM
15 **Q Do you know who gave him that 11:57:37AM**
16 **opportunity?**
17 A Civil Service. 11:57:40AM
18 **Q Did you ever speak with anyone at 11:57:41AM**
19 **Civil Service about George Hesse's failing the**
20 **agility test?**
21 A I don't recall. I know that the mayor 11:57:47AM
22 at the time also wrote a letter.
23 **Q Who was the mayor at the time? 11:57:53AM**
24 A Paul Pugliese. 11:57:55AM
25 **Q And he wrote a letter to Ms. Carpenter 11:57:57AM**
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1 **EDWARD PARADISO**
2 could appeal and retest.
3 **Q Do you know whether he did that? 11:55:46AM**
4 A Yes, he did. 11:55:47AM
5 **Q Did you help him do that? 11:55:48AM**
6 A Did I help him? 11:55:49AM
7 **Q Yes. With the appeal process? 11:55:51AM**
8 A Yeah, I gave him a stretching machine. 11:56:01AM
9 His problem was to sit and stretch. You have to
10 be able to sit down and stretch past your -- so
11 many inches past your feet in a sitting
12 position. He had very tight quadriceps. I was
13 in the middle of my black belt promotion in
14 karate, so I had a machine that would help you
15 stretch, you know, to get limber, and I lent him
16 a machine that would help him do that.
17 **Q Did you write a letter to Angie 11:56:38AM**
18 **Carpenter on his behalf?**
19 A Yes, I did. 11:56:42AM
20 MR. NOVIKOFF: To who? 11:56:43AM
21 MR. GOODSTADT: Angie Carpenter. 11:56:44AM
22 MR. NOVIKOFF: Okay. 11:56:46AM
23 BY MR. GOODSTADT: 11:56:46AM
24 **Q Who is Angie Carpenter? 11:56:46AM**
25 A Angie Carpenter was the Suffolk County 11:56:49AM
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1 **EDWARD PARADISO**
2 **as well?**
3 A I believe either -- he wrote a letter 11:58:00AM
4 to someone. I don't remember who. When you're
5 the village mayor, you're also the police
6 commissioner.
7 **Q The village mayor is the police 11:58:12AM**
8 **commissioner?**
9 A Yes. 11:58:14AM
10 **Q Is there somebody who's the police 11:58:19AM**
11 **liaison in Ocean Beach? Did you ever hear that**
12 **title, police liaison?**
13 A I've heard the title, but I don't 11:58:29AM
14 think they ever had anybody working in that --
15 in that position. They had -- the mayor had at
16 one point appointed one of the other trustees as
17 police commissioner.
18 **Q Who was that? 11:58:46AM**
19 A That was Mayor Rogers appointed Andrew 11:58:47AM
20 Miller.
21 **Q Did you ever hear that Joe Loeffler 11:58:59AM**
22 **was the police liaison at any point in time?**
23 A No. 11:59:06AM
24 **Q When I say Joe Loeffler, I mean the 11:59:13AM**
25 **current mayor, Joe Loeffler, Jr.**
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1 **EDWARD PARADISO**
2 A Yeah. He was never appointed police liaison. 11:59:19AM
3
4 **Q How long did George Hesse have the title full-time police officer?** 11:59:28AM
5
6 A Had to be sometime after 1998 he was made acting sergeant, because Sergeant Golopi left in 1998. So I'm thinking maybe 2000. 11:59:59AM
7
8 **Q So in 2000 you believe he was appointed acting sergeant?** 12:00:18PM
9
10 A Yes, I think so. 12:00:21PM
11
12 **Q And what procedure was done to appoint him acting sergeant?** 12:00:23PM
13
14 A He wrote a letter asking for the appointment. And I made a recommendation to the village board, and the village board approved the recommendation. 12:00:27PM
15
16 **Q What's the difference between acting sergeant and sergeant?** 12:00:42PM
17
18 MR. NOVIKOFF: Objection. 12:00:45PM
19
20 A The difference would be the Civil Service title. 12:00:46PM
21
22 **Q Is there any difference in the job duties or responsibilities?** 12:00:52PM
23
24 A No. 12:00:55PM
25
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1 **EDWARD PARADISO**
2 A Well, you could be appointed to any position in a police department; but if there's some problem and they're going to reduce you in rank, they can only reduce you to your next level of Civil Service position. So if you were Civil Service sergeant and you were made acting lieutenant, acting captain, deputy chief, assistant chief, acting chief, if they wanted to hire somebody in your place, they could demote you down to your highest Civil Service rank. 12:01:46PM
3
4
5
6
7
8
9
10
11
12 **Q Do you know if Mr. Hesse held himself out as being a sergeant as opposed to acting sergeant?** 12:02:28PM
13
14
15 MR. NOVIKOFF: Objection to form. 12:02:34PM
16
17 A The two are indistinguishable other than through Civil Service. 12:02:35PM
18
19 **Q So when you say the two are indistinguishable, other than for the testimony that you gave about protections, there's no difference between the two?** 12:02:47PM
20
21
22 A No. 12:02:55PM
23
24 **Q So in theory, somebody could be appointed acting sergeant -- strike that.** 12:02:55PM
25
Do you need to be a full-time police officer -- 12:03:03PM
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1 **EDWARD PARADISO**
2 **Q Is there a certain period of time that you can keep the title acting?** 12:00:56PM
3
4 MR. NOVIKOFF: Objection. 12:01:00PM
5
6 A I think it's indefinite. 12:01:01PM
7
8 MR. NOVIKOFF: You think it's what? 12:01:03PM
9
10 THE WITNESS: Indefinite. 12:01:04PM
11
12 MR. NOVIKOFF: Indefinite? Great. 12:01:06PM
13
14 Thank you.
15
16 BY MR. GOODSTADT: 12:01:15PM
17
18 **Q Do you wear the same uniform as acting sergeant as you would if you were sergeant?** 12:01:16PM
19
20 A Yes. 12:01:20PM
21
22 **Q Do you have the same shield?** 12:01:21PM
23
24 A Yes. 12:01:22PM
25
Q Does your shield say acting or just say sergeant? 12:01:23PM
A Just says sergeant. 12:01:26PM
Q Is it the same pay scale? 12:01:27PM
A Yes. 12:01:30PM
Q So why would somebody take the test to become a full-time sergeant? 12:01:31PM
MR. NOVIKOFF: Objection to form. 12:01:35PM
A For Civil Service protection. 12:01:43PM
Q What do you mean by that? 12:01:45PM
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1 **EDWARD PARADISO**
2 **officer --**
3 A Yes. 12:03:06PM
4 **Q -- to be appointed acting sergeant?** 12:03:06PM
5 A Yes. 12:03:09PM
6 **Q Do you know whether George Hesse took the full-time police officer academy training?** 12:03:09PM
7
8 MR. NOVIKOFF: Objection. 12:03:14PM
9 A No, he did not. 12:03:15PM
10 **Q Did he have any formal training to be a full-time police officer?** 12:03:18PM
11
12 A He went through the Suffolk County police academy. 12:03:22PM
13
14 **Q On the seasonal part-time academy?** 12:03:25PM
15 A You get the same certification whether you go through the full-time school or part-time school. 12:03:27PM
16
17
18 **Q So just so I'm clear, George Hesse has the same certification that Frank Fiorillo did?** 12:03:32PM
19
20 A Yes. 12:03:38PM
21
22 MR. NOVIKOFF: Objection to form. 12:03:38PM
23 A Yes. 12:03:40PM
24 **Q And same with the other four plaintiffs? George had the same certifications as the -- all five plaintiffs?** 12:03:41PM
25
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1 **EDWARD PARADISO**
2 MR. NOVIKOFF: Same objection. 12:03:48PM
3 A Yes. 12:03:49PM
4 **Q You testified about a request that 12:03:57PM**
5 **Mr. Hesse made in or around 2000 to become -- to**
6 **be appointed acting sergeant or provisional**
7 **appointment to sergeant. Is that the first time**
8 **he had raised that issue with you?**
9 A No. 12:04:13PM
10 **Q When was the first time he raised that 12:04:14PM**
11 **with you?**
12 A I think he had asked a year prior. 12:04:21PM
13 **Q Did he ask you verbally or in writing? 12:04:24PM**
14 A I don't recall. 12:04:28PM
15 **Q Did you actually make the 12:04:32PM**
16 **recommendation to the board the year prior?**
17 A No, I did not. 12:04:37PM
18 **Q How come? 12:04:38PM**
19 A I think he needed more time to act in 12:04:48PM
20 a supervisory role.
21 **Q As a full-time officer, could he have 12:05:00PM**
22 **acted in a supervisory role?**
23 A He did. 12:05:04PM
24 **Q He did? Was that appropriate under 12:05:04PM**
25 **Civil Service law?**
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1 **EDWARD PARADISO**
2 **Chief Paradiso correspondence file?**
3 **Do you see that? 12:06:39PM**
4 A Uh-huh. 12:06:40PM
5 **Q Whose handwriting is that? 12:06:41PM**
6 A I don't know. 12:06:42PM
7 **Q And it says "Re: Provisional 12:06:46PM**
8 **appointment to sergeant."**
9 **Do you see that? 12:06:50PM**
10 A The top here? 12:06:51PM
11 **Q Yes. Uh-huh. 12:06:53PM**
12 A Yes. 12:06:55PM
13 **Q What does it mean, provisional 12:06:55PM**
14 **appointment?**
15 MR. NOVIKOFF: Objection to form. 12:06:58PM
16 A I didn't write the letter. 12:07:05PM
17 **Q Do you know what he was referring to 12:07:06PM**
18 **when he said "provisional appointment"?**
19 A He wanted -- I guess this was the 12:07:10PM
20 letter that he was asking to -- he wanted to be
21 appointed sergeant, acting sergeant pending the
22 next sergeant's test.
23 **Q How do you know he wanted to be 12:07:27PM**
24 **appointed to acting sergeant? It doesn't say**
25 **that here, does it?**
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1 **EDWARD PARADISO**
2 MR. NOVIKOFF: Objection. 12:05:07PM
3 A I don't think Civil Service law 12:05:12PM
4 addresses that.
5 MR. GOODSTADT: Let's mark that. 12:05:21PM
6 (Whereupon, a letter dated February 12:05:22PM
7 15, 1999 was marked as Plaintiff's Exhibit 2
8 for identification, as of this date.)
9 MR. GOODSTADT: I've placed in front 12:05:48PM
10 of Mr. Paradiso what's now been marked as
11 Paradiso 2. It is a one-page exhibit
12 bearing Bates 3856. (Hanging.)
13 MR. NOVIKOFF: No Bates. Your eyes 12:06:08PM
14 gave it away, Andrew.
15 MR. GOODSTADT: I think there is. 12:06:16PM
16 MR. NOVIKOFF: I'm sure there's a 12:06:16PM
17 Bates on this.
18 MR. GOODSTADT: There should be a 12:06:22PM
19 Bates, 3856.
20 BY MR. GOODSTADT: 12:06:24PM
21 **Q Mr. Paradiso, do you recall receiving 12:06:24PM**
22 **the document that's been marked as Paradiso 2?**
23 A Yes. 12:06:30PM
24 **Q Do you see on the very bottom of 12:06:32PM**
25 **Paradiso 2 there's some handwritten for a CC to**
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1 **EDWARD PARADISO**
2 A Well, acting and provisional are kind 12:07:32PM
3 of like interchangeable.
4 **Q Do you use them interchangeably? 12:07:40PM**
5 A Yeah. 12:07:42PM
6 **Q And if you look at the substance of 12:07:43PM**
7 **this memo to you, it says "as per our**
8 **conversation."**
9 **Do you see that, first line? 12:07:50PM**
10 A Yes. 12:07:53PM
11 **Q When did you have that conversation 12:07:53PM**
12 **he's referring to?**
13 A I don't remember having that 12:07:56PM
14 conversation.
15 **Q Do you recall speaking with him about 12:08:00PM**
16 **the potential of a provisional appointment to**
17 **sergeant prior to receiving this memo?**
18 A Well, by reading the letter, we must 12:08:18PM
19 have had a conversation; but to be honest with
20 you, I don't recall it.
21 **Q It says, "The undersigned officer 12:08:26PM**
22 **would like to make a proposal to the village**
23 **board regarding a provisional appointment."**
24 **Do you see that? 12:08:32PM**
25 A Yes. 12:08:33PM
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1 EDWARD PARADISO
2 **Q So he was saying that he wanted to 12:08:34PM**
3 **make the proposal or was he asking you to make**
4 **the proposal?**
5 A Well, it says here that he would like 12:08:42PM
6 to make the proposal.
7 **Q Do you know whether he actually made a 12:08:46PM**
8 **proposal to the board about this issue?**
9 A I don't recall. I might have -- I 12:09:02PM
10 remember when I forwarded his request to the
11 board, I had a copy letter, a letter that went
12 on top of his request --
13 **Q That was a subsequent time, correct? 12:09:22PM**
14 A That -- 12:09:25PM
15 **Q That was a subsequent time, right? 12:09:25PM**
16 A I'm not sure. 12:09:25PM
17 **Q Okay. 12:09:26PM**
18 A I would've put a cover letter on top 12:09:29PM
19 of it and forwarded both letters to the board.
20 So I don't know if this was the first time he
21 wanted to do this or if it was the second time.
22 **Q Now, if you look at the third line 12:09:40PM**
23 **down, it says, "I already assume the role of a**
24 **supervisor"?**
25 A Uh-huh. 12:09:45PM
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1 EDWARD PARADISO
2 **Q Did you ever contact him about this? 12:10:38PM**
3 A I'm sure that I did. But if this was 12:10:54PM
4 his first request, I think I had to tell him he
5 had to wait. If it's his second request, I
6 think I put a cover letter on it and forwarded
7 it to the board. So I'm not exactly certain
8 which one this is.
9 **Q Do you know whether -- by the time you 12:11:12PM**
10 **received this request, whether George Hesse had**
11 **taken the sergeant's test at any time?**
12 A Could you repeat that? 12:11:19PM
13 **Q Yeah. At the time you received this 12:11:20PM**
14 **memo in around February of 1999, do you know**
15 **whether George Hesse had taken the sergeant's**
16 **test at any time?**
17 A I don't believe he had taken it at 12:11:30PM
18 this point, no. Because the letter says he's
19 planning to take the next promotional exam.
20 **Q My question was, did he ever take any 12:11:42PM**
21 **prior to this and failed it, for example?**
22 A Prior to this date? I'm not certain 12:11:46PM
23 if he had or not.
24 **Q And I believe you testified at this 12:11:52PM**
25 **point in time, you decided not -- assuming this**
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1 EDWARD PARADISO
2 **Q Do you know what he's referring to 12:09:46PM**
3 **there?**
4 A Yeah, the full-time officer is the 12:09:49PM
5 supervisor, the second in command.
6 **Q And this was after Golopi left? 12:10:03PM**
7 A Yes. 12:10:05PM
8 **Q Do you know whether Golopi ever passed 12:10:07PM**
9 **the sergeant's test?**
10 A I don't believe so. 12:10:13PM
11 **Q Did he ever hold the title of 12:10:14PM**
12 **sergeant?**
13 A I think he held the provisional acting 12:10:17PM
14 sergeant role.
15 **Q Do you know whether he actually took 12:10:21PM**
16 **the test ever?**
17 A I'm not certain. I don't think so. 12:10:24PM
18 You're talking about Golopi, right? 12:10:26PM
19 **Q Yes. Yes. 12:10:28PM**
20 A I don't believe so. 12:10:30PM
21 **Q If you look at the last sentence, it 12:10:31PM**
22 **says, "If you have any questions or comments,**
23 **please feel free to contact me."**
24 **Do you see that? 12:10:37PM**
25 A Yes. 12:10:37PM
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1 EDWARD PARADISO
2 **is the first request, you decided not to make**
3 **the proposal to the board; is that correct?**
4 A Yeah. I told him he had to wait. 12:12:01PM
5 **Q What was his response when you told 12:12:03PM**
6 **him he had to wait?**
7 A Well, he wasn't thrilled, but I think 12:12:06PM
8 he understood.
9 **Q What did he say to lead you to believe 12:12:09PM**
10 **he wasn't thrilled?**
11 A Well, he wanted to know why I felt -- 12:12:13PM
12 why I felt that he -- that this wasn't something
13 that I could support at this time, and it was
14 only shortly after -- the way I recall it is
15 that he wanted to be able to separate himself
16 from the rest of the department at a scene, to
17 have a person with stripes. They would know who
18 was in charge of the situation if there were a
19 group officers there. If there was somebody
20 that needed to be in command, it was obvious
21 that he would be in command because he had the
22 stripes and the different shield that set him
23 apart from the other officers.
24 **Q Do you recall anything else that was 12:12:54PM**
25 **discussed between you and him at that time about**
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1 **EDWARD PARADISO**
2 **the reason why you didn't believe he was ready?**
3 A No. 12:13:18PM
4 **Q I believe you testified there was a 12:13:18PM**
5 **second request that he had made in writing that**
6 **you attached a cover letter and forwarded it on;**
7 **is that correct?**
8 A I believe so, yes. 12:13:26PM
9 **Q Do you recall whether you spoke with 12:13:27PM**
10 **him about his potential of becoming an acting**
11 **sergeant between the first request, which is now**
12 **Paradiso 2, and the second request that you**
13 **testified to was about a year later?**
14 A We -- I'm sure we had conversations, 12:13:46PM
15 but I don't remember any particular ones.
16 **Q Do you recall anything that you 12:13:50PM**
17 **discussed between those two times?**
18 A Not off the top of -- not of my 12:13:55PM
19 recollection, no.
20 **Q And you testified that about a year 12:13:59PM**
21 **later you received a second request. Do you**
22 **recall testifying to that?**
23 A If this is the first one -- 12:14:06PM
24 **Q That is the first one. 12:14:08PM**
25 A -- then yeah. 12:14:09PM
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1 **EDWARD PARADISO**
2 MR. GOODSTADT: Mark that as 3, 12:14:11PM
3 please.
4 (Whereupon, a letter was marked as 12:14:12PM
5 Plaintiff's Exhibit 3 for identification, as
6 of this date.)
7 MR. GOODSTADT: I've placed in front 12:14:59PM
8 of Mr. Paradiso what's now marked as
9 Paradiso 3. It's a two-page exhibit. I
10 know this is not a Bates numbered version,
11 but I believe the Bates numbers are 357 and
12 358.
13 MR. NOVIKOFF: And just so the record 12:15:14PM
14 is clear, the first page is a letter from
15 Mr. Paradiso to Andrew Miller with a stamp
16 March 30th, 2001, and the second page of
17 this exhibit is a March 25th, 2001 letter
18 purporting from Mr. Hesse to Mr. Paradiso.
19 MR. GOODSTADT: Right. 12:15:33PM
20 MR. NOVIKOFF: Okay. It's actually a 12:15:33PM
21 memo, it looks like.
22 MR. GOODSTADT: Right. 12:15:37PM
23 MR. NOVIKOFF: Yeah. 12:15:38PM
24 BY MR. GOODSTADT: 12:15:38PM
25 **Q Mr. Paradiso, do you recognize the 12:15:39PM**
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1 **EDWARD PARADISO**
2 **pages that have been marked as Paradiso 3?**
3 A I just skimmed through the first one. 12:15:47PM
4 **Q Okay. 12:15:54PM**
5 A Okay. Yes. 12:15:54PM
6 **Q Before we get to Paradiso 3, though, 12:15:55PM**
7 **did you speak with anybody on the board about**
8 **his request in 1999 that was marked as**
9 **Paradiso 2?**
10 A I don't believe so. 12:16:07PM
11 **Q So you didn't even raise to anybody on 12:16:07PM**
12 **the board or the mayor that George Hesse wanted**
13 **this promotion?**
14 A No. 12:16:15PM
15 **Q Okay. Do you know whether he spoke to 12:16:15PM**
16 **anyone on the board at the time?**
17 A No. 12:16:21PM
18 **Q Okay. So let's focus on Paradiso 3. 12:16:22PM**
19 **Just turn to the second page of Paradiso 3,**
20 **which is the March 25th, 2001 memo from George**
21 **Hesse to Chief Edward T. Paradiso.**
22 **Do you see that? 12:16:34PM**
23 A Uh-huh. 12:16:35PM
24 **Q Do you recall when you received this? 12:16:39PM**
25 A I guess sometime in March of 2001. 12:16:52PM
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1 **EDWARD PARADISO**
2 **Q Do you recall how you received it? 12:16:54PM**
3 A It was probably left on my desk. 12:16:56PM
4 **Q So this is actually two years after 12:16:59PM**
5 **the initial request, right?**
6 A Okay. 12:17:04PM
7 **Q And sitting here today, you don't 12:17:04PM**
8 **recall discussing this issue with him between**
9 **the time in 1999 that he submitted Paradiso 2**
10 **until this time in 2001 that he submitted to you**
11 **Paradiso 3, or at least the second page of**
12 **Paradiso 3?**
13 A We probably had conversations, but 12:17:18PM
14 none that I can recall.
15 **Q Do you know whether at this point in 12:17:25PM**
16 **time George Hesse had taken the sergeant's test?**
17 A I think he had already taken it once, 12:17:30PM
18 but he didn't pass.
19 **Q Did he tell you that he was going to 12:17:35PM**
20 **take it when he took it between '99 and '01?**
21 A He wouldn't have to tell me. 12:17:41PM
22 **Q Did you know -- did you know that he 12:17:43PM**
23 **was taking it?**
24 MR. NOVIKOFF: Objection. 12:17:47PM
25 A I didn't know that he had signed up 12:17:49PM
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1 EDWARD PARADISO
2 for it.
3 **Q When did you learn that he failed it? 12:17:51PM**
4 A I think he told me he failed it, I 12:18:01PM
5 guess. I don't remember when I learned it.
6 **Q You don't remember when he told you? 12:18:06PM**
7 A No. 12:18:08PM
8 **Q Did you regularly receive formal 12:18:09PM**
9 **memoranda like this from George Hesse?**
10 A It would all depend on what it was 12:18:21PM
11 about. The majority of times we spoke, but we
12 did have correspondence in this regard from time
13 to time also.
14 **Q Other than for promotional requests? 12:18:34PM**
15 A Yeah, for vacation time or, you know, 12:18:36PM
16 different things that would have to come up.
17 **Q So other than for vacation, 12:18:43PM**
18 **promotions, what do you recall receiving formal**
19 **memos about?**
20 A Vehicle problems. 12:18:51PM
21 **Q How about problems with officers, did 12:18:54PM**
22 **you ever receive any formal memo about any**
23 **problems with any officers?**
24 MR. NOVIKOFF: Objection to form. 12:19:00PM
25 A I don't -- I don't recall any. 12:19:09PM
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1 EDWARD PARADISO
2 and belief for the violation.
3 He, the mayor, took quite a big 12:21:11PM
4 offensive at this and proceeded to
5 systematically take away duties that were
6 traditionally the chief of police's and turn
7 them over to the second command, Bob Golopi.
8 Bob, I guess, was ready to become the chief of
9 police. I wasn't ready to abdicate that
10 position, but the mayor tried to make life as
11 difficult as possible for me while I was the
12 chief of police.
13 In the course of about nine months, 12:22:02PM
14 the village board came back to me and asked me
15 to resume the duties that were taken away from
16 me, because they realized that the mayor had
17 personal issues with me and it wasn't because I
18 wasn't doing my job properly, and started to
19 twist everything about Bob and really tried to
20 drive a wedge between Bob and I.
21 I never took things that were done 12:22:33PM
22 personally to me, so I'm not a vindictive
23 person, where I'm going to make your life
24 difficult, even though you really weren't as
25 upright as you should've been with me. It never
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1 EDWARD PARADISO
2 **Q If you look at the second paragraph of 12:19:12PM**
3 **the second page of Paradiso 3, it says, "The**
4 **last time we spoke on this, you stated, look at**
5 **what they did to Bob Golopi."**
6 **Do you know what he's referring to 12:19:24PM**
7 **there?**
8 A When Paul Pugliese was mayor, probably 12:19:46PM
9 seven or eight months into his first term of
10 office, he took the role of police commissioner
11 very literally, to the point where he carried
12 around a radio and would call in reports of
13 requests for officers to respond and issue
14 summonses, and he was almost acting as a quasi
15 police officer. He would bring people into the
16 police station and demand that officers would
17 write them summonses. I tried to explain to him
18 how this was a very problematic way to do
19 business, for a sitting mayor to physically drag
20 people into the police station and order
21 officers to write summonses that they didn't
22 witness. Because these are just violations,
23 they're not crimes. And the police officer
24 can't write a violation summons if they don't
25 personally witness, you know, act on information
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1 EDWARD PARADISO
2 seemed to make sense to go out of your way to
3 try to be vindictive with people.
4 So when the situation came up where 12:22:57PM
5 they gave me back all of my command functions,
6 Bob was put in a very uncomfortable position.
7 He looked for a new job out of state and
8 subsequently left the police department.
9 When I was speaking about this, I 12:23:21PM
10 spoke to George about -- to be careful because
11 the village board didn't always act in a
12 forthright manner because they are -- they're
13 civilians, they're not policemen, and the mayor
14 at the time was not a consistent manager. So to
15 be cautious in dealing with him because he would
16 turn things around and the next thing you know
17 he would have an issue. So that was probably
18 what I was alluding to in this letter.
19 **Q I believe you testified as part of 12:24:12PM**
20 **that answer that you're not vindictive if people**
21 **don't do right by you or not stand up for you;**
22 **is that correct?**
23 A I try not to be vindictive, no. 12:24:22PM
24 **Q Okay. Do you believe that George 12:24:25PM**
25 **Hesse is vindictive, using that definition?**
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1 **EDWARD PARADISO**
2 MR. NOVIKOFF: Objection. 12:24:30PM
3 MR. CONNOLLY: Objection. 12:24:31PM
4 A I wouldn't classify George as 12:24:42PM
5 vindictive, but I don't think he is able to
6 handle things the way that I handled them in
7 similar situations. You know, everybody's
8 different. Everybody has their own management
9 style, and what works for me doesn't work for
10 anyone else. It just works for me the way I do
11 my job. So it isn't up to me to classify George
12 as anything else but George.
13 **Q But when you say he handled things 12:25:16PM**
14 **differently, what are you referring to?**
15 MR. NOVIKOFF: Note my objection. 12:25:27PM
16 A Well, everybody handles things 12:25:29PM
17 differently. I mean, you guys are asking the
18 same question, one of you is objecting and one
19 of you is asking the question. It is all
20 depending on where you are at the time, you
21 know. What -- what's going on in your life at
22 the time. Are you having a good day? Are you
23 having a bad day? Are you happy at your job?
24 Are you happy at home? You know, there's a lot
25 of different things that could cause you to act
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1 **EDWARD PARADISO**
2 map maker. And he would have the entire
3 full-time staff of three officers work Monday
4 through Friday around the clock and put seasonal
5 guys or part-time guys on the weekends. So you
6 would have no supervision on during the week
7 end. And I brought this up in a memo to the
8 mayor because I couldn't have any face-to-face
9 dealings with the mayor because he wanted
10 everything in writing.
11 It turns out that Bob and George had 12:28:16PM
12 worked out a deal with the mayor that they would
13 be on call on the weekends at his disposal and
14 to not worry about how the schedule was because
15 they would be there if need be. So it kind of
16 like poised the two of them against me. Because
17 here I'm trying to run a police department and
18 I'm trying to do what's best for the village,
19 and it seemed to me like they were trying to
20 work out their own little side deal.
21 So although it seems like a workable 12:28:59PM
22 solution, he kind of like bought a bill of goods
23 from the mayor and should've thought about that
24 more because, just looking at the schedule, you
25 would know that this isn't the way to run a
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1 **EDWARD PARADISO**
2 a certain way. So I am not George Hesse, George
3 Hesse is not Ed Paradiso.
4 **Q Did you ever know George Hesse to be 12:26:04PM**
5 **vindictive?**
6 MR. NOVIKOFF: Objection. 12:26:07PM
7 MR. CONNOLLY: Objection. 12:26:08PM
8 A I wouldn't say vindictive, but I've -- 12:26:13PM
9 over the years, I think he has been sometimes
10 quick to make a decision without really looking
11 at the whole picture.
12 **Q What do you mean by that? 12:26:39PM**
13 A Well, when he was hired on as the 12:26:40PM
14 third full-timer, he and Sergeant Golopi
15 attempted to start a police union and -- because
16 you need at least two guys to have a union.
17 This was at the same time that I was having my
18 problems with Mayor Pugliese.
19 About a year into that, the scheduling 12:27:15PM
20 duties were taken away from me and given to
21 Sergeant Golopi. When the new schedule came
22 out, there were problems with the schedule. I
23 mean, I've been doing this for a long time.
24 Paul Pugliese hasn't been writing police
25 schedules. He's not a police officer. He's a
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1 **EDWARD PARADISO**
2 police department. In the off season is when
3 all your full-time -- you know, your owners come
4 back that they rent their homes all summer long.
5 They want to see the police that they know.
6 They want to see the chief of police. They want
7 to see the sergeant. They want to see the
8 supervising officer. They want to see -- they
9 don't want to call up and explain to the guy
10 that's answering the phone who they are. They
11 want to pick up the phone and go, hey, chief,
12 how are you doing? Listen, I got a problem at
13 my house. So I thought it was a poor way of
14 scheduling, and I thought that both Bob and
15 George made an error in agreeing to something
16 like that because, number one, it wasn't best
17 for the village. It wasn't best for how a
18 police department was running, and it worked to
19 try to undermine my authority with the police
20 department.
21 **Q They did it behind your back and 12:30:11PM**
22 **didn't tell you about it?**
23 A They didn't tell me about it. 12:30:14PM
24 **Q Did you ever know George Hesse to 12:30:15PM**
25 **retaliate against somebody for doing something?**
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<p style="text-align: right;">Page 114</p> <p>1 EDWARD PARADISO</p> <p>2 MR. NOVIKOFF: Objection. 12:30:20PM</p> <p>3 MR. CONNOLLY: Objection. 12:30:21PM</p> <p>4 A What do you mean by retaliate? 12:30:34PM</p> <p>5 Q Just take some adverse action against 12:30:36PM</p> <p>6 somebody for something they had done or he</p> <p>7 perceived they had done to him?</p> <p>8 MR. NOVIKOFF: Objection. 12:30:43PM</p> <p>9 MR. CONNOLLY: Objection. 12:30:45PM</p> <p>10 A I remember one time George had a 12:31:12PM</p> <p>11 problem with one of the plumbers, and there was</p> <p>12 a verbal altercation between the plumber and he.</p> <p>13 And the plumber came in and complained to me</p> <p>14 about George, and so I had to speak with George</p> <p>15 about what he had said to the plumber. And I</p> <p>16 think he always kind of held a little bit of a</p> <p>17 grudge with that plumber. Not that he went out</p> <p>18 of his way to screw him or to retaliate, but I</p> <p>19 think that if the opportunity came, he caught</p> <p>20 him doing something wrong, there wasn't going to</p> <p>21 be a lot of discretion used in whether or not he</p> <p>22 was going to write him a ticket for it. He</p> <p>23 would just write him the ticket.</p> <p>24 Q Did he actually write him a ticket? 12:32:05PM</p> <p>25 A I think he wrote him a ticket. 12:32:07PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 115</p> <p>1 EDWARD PARADISO</p> <p>2 Q And you believe that was in 12:32:09PM</p> <p>3 retaliation for him complaining to you about</p> <p>4 something he had done?</p> <p>5 A No, not at all. 12:32:14PM</p> <p>6 MR. NOVIKOFF: Objection. 12:32:16PM</p> <p>7 MR. CONNOLLY: Objection. 12:32:17PM</p> <p>8 A No, not at all. He didn't write him a 12:32:17PM</p> <p>9 ticket to retaliate. Police officers have</p> <p>10 discretion on whether or not they're going to</p> <p>11 say, sir, you're not allowed to use a blue pen</p> <p>12 in this office anymore. Please put the blue pen</p> <p>13 away. Or I'm going to write you a ticket, you</p> <p>14 know what I mean? So I would think that with</p> <p>15 this plumber, if the opportunity came that he</p> <p>16 caught him doing something that he shouldn't do,</p> <p>17 he'd be less likely to give a warning and more</p> <p>18 likely to write a summons.</p> <p>19 Q What was the plumber's name? 12:32:52PM</p> <p>20 A It was John Petrowsky. 12:32:54PM</p> <p>21 But I'll tell you the truth, I don't 12:32:58PM</p> <p>22 know if he ever wrote him a summons.</p> <p>23 Q Other than for the plumber incident, 12:33:05PM</p> <p>24 do you have any other examples of when or if</p> <p>25 George Hesse -- strike that.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 116</p> <p>1 EDWARD PARADISO</p> <p>2 MR. GOODSTADT: Could you just go back 12:33:16PM</p> <p>3 to what the question was that I asked.</p> <p>4 Okay. 12:33:20PM</p> <p>5 BY MR. GOODSTADT: 12:33:42PM</p> <p>6 Q You gave me the plumber example in 12:33:42PM</p> <p>7 response to the question about whether you had</p> <p>8 known George Hesse to be retaliatory, meaning</p> <p>9 take adverse action against somebody he didn't</p> <p>10 like. Any other examples?</p> <p>11 MR. NOVIKOFF: Objection. 12:33:55PM</p> <p>12 MR. CONNOLLY: Objection. 12:33:57PM</p> <p>13 A First off, I didn't think he was a 12:33:57PM</p> <p>14 retaliatory person.</p> <p>15 MR. NOVIKOFF: Exactly. 12:34:01PM</p> <p>16 A So, if you could restructure that 12:34:02PM</p> <p>17 question maybe.</p> <p>18 Q Well, I asked you the question about 12:34:09PM</p> <p>19 whether you'd ever known George Hesse to be</p> <p>20 retaliatory. You asked me what I meant by</p> <p>21 retaliatory. I told you take an adverse action</p> <p>22 against somebody for doing something. Then you</p> <p>23 gave me the example of the plumber.</p> <p>24 A Right. 12:34:24PM</p> <p>25 Q I went back and checked the record. 12:34:24PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 117</p> <p>1 EDWARD PARADISO</p> <p>2 That was the answer to the question.</p> <p>3 MR. NOVIKOFF: Objection to the 12:34:28PM</p> <p>4 characterization of the questions and</p> <p>5 answers.</p> <p>6 MR. GOODSTADT: Can I finish the 12:34:31PM</p> <p>7 question first before object?</p> <p>8 MR. NOVIKOFF: I don't think you got 12:34:34PM</p> <p>9 to a question.</p> <p>10 MR. GOODSTADT: Well, I was asking it 12:34:35PM</p> <p>11 when you objected.</p> <p>12 MR. NOVIKOFF: Okay. 12:34:35PM</p> <p>13 BY MR. GOODSTADT: 12:34:36PM</p> <p>14 Q The question is, are there any other 12:34:37PM</p> <p>15 examples in the same line you gave the example</p> <p>16 of the plumber for?</p> <p>17 MR. NOVIKOFF: Objection. 12:34:43PM</p> <p>18 A Well, I think that as a supervisor, 12:34:49PM</p> <p>19 you're dealing with all the people that work for</p> <p>20 you, and from time to time you're going to have</p> <p>21 personality conflicts with the officers that</p> <p>22 work for you, okay? If you don't resolve an</p> <p>23 underlying problem, over time, especially over</p> <p>24 years and years, there could be, you know,</p> <p>25 some -- I guess some acts that might take</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

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1 EDWARD PARADISO
2 place -- not acts, really, but just ways of
3 dealing with people, you know, that you might
4 give somebody more leeway with their scheduling
5 or something, where with other officers, you
6 might not give that same leeway or that same
7 benefit of the doubt because over a period of
8 time, you know, maybe you had problems with that
9 individual officer or something. So I would
10 think that in that respect from time to time,
11 there were going to be issues that he would be
12 like, you know, I'm not that happy with this
13 guy, so I'm not going to grant him his time off
14 or on, I'm going to give him a crappy assignment
15 or something like that, but nothing that I could
16 give you a who, a what, a where, a when or a
17 why.
18 **Q Let's go back to the example you gave 12:36:13PM**
19 **before about the time where you had to speak**
20 **with Frank Fiorillo about the car washing**
21 **incident. Do you recall that?**
22 A Yes. 12:36:22PM
23 **Q And then you went back to George Hesse 12:36:22PM**
24 **and told him Frank's concerns, correct?**
25 A Right. 12:36:26PM
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1 EDWARD PARADISO
2 **three straight tours.**
3 A Which light post? 12:37:31PM
4 **Q Any light post. 12:37:33PM**
5 A Are you waiting for him? 12:37:57PM
6 **Q No, I had a question. 12:37:59PM**
7 A I thought you had more coming. 12:38:02PM
8 I don't recall it. 12:38:04PM
9 **Q Let's go back to Paradiso 3, the first 12:38:11PM**
10 **page. You forwarded this on, this memo on to**
11 **Mr. Miller; is that correct?**
12 A Yes. 12:38:19PM
13 **Q And he was the commissioner who was 12:38:19PM**
14 **appointed by --**
15 A Mayor Rogers. 12:38:24PM
16 **Q By Mayor Rogers, correct? 12:38:25PM**
17 A Yeah. 12:38:27PM
18 **Q So when you forwarded this on to 12:38:27PM**
19 **Mr. Miller, did you speak with him at all about**
20 **the request?**
21 A Yeah, I probably -- I must have had a 12:38:41PM
22 conversation with him about it. I told him that
23 I was sending the letter up, George's request,
24 and that I thought it should be approved.
25 **Q Did you speak with him at all about 12:38:51PM**
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1 EDWARD PARADISO
2 **Q Do you know whether George Hesse did 12:36:27PM**
3 **anything to Frank in response to your telling**
4 **him that Frank had complained to you?**
5 A I think he wanted to put a letter in 12:36:35PM
6 Frank's jacket about the incident.
7 **Q Did he do that? 12:36:41PM**
8 A No. 12:36:42PM
9 **Q Do you know whether he did anything 12:36:44PM**
10 **else in response to you telling George Hesse**
11 **that Frank had raised a complaint about the way**
12 **he had told him to wash the car?**
13 A I don't exactly recall, but I know 12:37:03PM
14 that he wasn't -- he wasn't satisfied with the
15 way I handled the situation.
16 **Q Who wasn't? 12:37:10PM**
17 A George. 12:37:10PM
18 **Q Did you ever hear that George put 12:37:11PM**
19 **Frank under a light post for three tours in a**
20 **row in response to you telling him that Frank**
21 **had raised a complaint about him?**
22 MR. NOVIKOFF: Note my objection to 12:37:22PM
23 the form.
24 A Put him under a light post? 12:37:25PM
25 **Q Made him stand under a light post for 12:37:26PM**
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1 EDWARD PARADISO
2 **the fact that George hadn't passed his**
3 **sergeant's test?**
4 A No. 12:38:57PM
5 **Q Did you speak with any other people 12:38:58PM**
6 **who were CC'ed there, meaning the mayor and the**
7 **three village trustees and the village**
8 **administrator?**
9 A No. 12:39:06PM
10 **Q Why did you CC the mayor, three 12:39:08PM**
11 **trustees and the administrator?**
12 A Because they were the ones that were 12:39:13PM
13 going to have to make the determination on
14 whether or not they were going to grant his --
15 his new status change.
16 **Q And Mayor Miller was a trustee at the 12:39:28PM**
17 **time?**
18 A Yes. 12:39:31PM
19 **Q Did George receive the formal 12:39:35PM**
20 **appointment?**
21 A They granted him the provisional 12:39:38PM
22 appointment.
23 **Q Were you at the board meeting when 12:39:42PM**
24 **that happened?**
25 A I think so. 12:39:45PM
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1 EDWARD PARADISO
2 **Q Did you actually make a presentation 12:39:46PM**
3 **to the board?**
4 A I don't recall. 12:39:51PM
5 **Q You don't recall one way or the other? 12:39:52PM**
6 A No. 12:39:55PM
7 **Q Do you know whether George made a 12:39:56PM**
8 **presentation to the board?**
9 A I don't know. 12:39:59PM
10 **Q Just going back to the question of 12:40:00PM**
11 **which light post. I believe it was on the**
12 **corner of Bay Walk and Denhoff?**
13 A Bay Walk and Denhoff -- when -- I 12:40:07PM
14 don't recall him being posted there, but that's
15 a busy spot. It would not be uncommon to have
16 somebody standing there.
17 **Q For three straight tours without 12:40:23PM**
18 **leaving?**
19 A Well, there's a lot going on there. I 12:40:26PM
20 don't know what tours they were. I don't know
21 when it was. Was it in the middle of the
22 winter? Was it middle of the summer? I'm not
23 certain.
24 **Q Well, do you recall when the complaint 12:40:36PM**
25 **came in from Fiorillo that Hesse had ordered to**
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1 EDWARD PARADISO
2 **do this in an inappropriate manner?**
3 A Not entirely, no. 12:40:43PM
4 **Q You don't recall if it was during the 12:40:45PM**
5 **season or during the winter?**
6 A I just remember the incident. I don't 12:40:49PM
7 remember when it was.
8 **Q Do you know whether this appointment 12:40:54PM**
9 **was -- Hesse's appointment to provisional**
10 **sergeant, whether that was reported to Civil**
11 **Service?**
12 A I don't believe so. 12:41:03PM
13 **Q You don't believe it was reported to 12:41:04PM**
14 **Civil Service?**
15 A No. 12:41:06PM
16 **Q Was that something that should be 12:41:06PM**
17 **reported to Civil Service?**
18 A Not a provisional appointment. 12:41:09PM
19 **Q Do you know whether he ever received a 12:41:15PM**
20 **full appointment?**
21 A No, he did not. 12:41:18PM
22 **Q How come? 12:41:19PM**
23 A He never passed the sergeant's test. 12:41:21PM
24 **Q Do you know whether he took the 12:41:23PM**
25 **sergeant's test at any other time?**
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1 EDWARD PARADISO
2 A I don't know. 12:41:26PM
3 **Q So when he received -- just to go 12:41:30PM**
4 **back. Before, I think you said when he received**
5 **the provisional appointment, he had a change in**
6 **his uniform?**
7 A New badge and stripes. 12:41:40PM
8 **Q And again, the badge and stripes don't 12:41:41PM**
9 **indicate that it's provisional as opposed to**
10 **being a sergeant?**
11 A No. 12:41:48PM
12 **Q Was there a change in the village -- 12:41:48PM**
13 **strike that.**
14 **Was there a change in the police 12:41:50PM**
15 **department letterhead indicating that he was the**
16 **sergeant?**
17 A He wasn't added to the letterhead. 12:41:53PM
18 **Q As sergeant, did he have authority to 12:42:04PM**
19 **hire and fire?**
20 A No. 12:42:11PM
21 **Q Would he be able to -- strike that. 12:42:17PM**
22 **Would he need your approval do so? 12:42:20PM**
23 A Yes. 12:42:22PM
24 **Q And the provisional appointment, is 12:42:27PM**
25 **that a competitive appointment?**
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1 EDWARD PARADISO
2 A No. 12:42:32PM
3 **Q So there's no canvass letter? 12:42:33PM**
4 A No. 12:42:35PM
5 **Q No list? 12:42:36PM**
6 A It's not a competitive appointment. 12:42:37PM
7 **Q Do you know whether he ever signed up 12:42:42PM**
8 **to take the sergeant's test and actually not**
9 **take it, was a no show?**
10 A I don't know. 12:42:49PM
11 **Q Do you know how many times the test 12:42:55PM**
12 **has been administered since 2001?**
13 A No, I do not. 12:43:00PM
14 **Q Did you ever have to discipline George 12:43:10PM**
15 **Hesse?**
16 MR. NOVIKOFF: Objection. 12:43:15PM
17 A I don't recall ever having to do so. 12:43:35PM
18 **Q Did there come a point in time where 12:43:37PM**
19 **-- well, strike that.**
20 **When you were the chief and he was a 12:43:40PM**
21 **sergeant, did you have specific tours that each**
22 **of you worked, like set tours?**
23 MR. NOVIKOFF: Objection. 12:43:48PM
24 A Yes. 12:43:48PM
25 **Q What were the tours that you worked? 12:43:49PM**
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1 **EDWARD PARADISO**
2 A I worked Tuesday through Sunday day 12:43:51PM
3 tours.
4 **Q And what did he work? 12:43:59PM**
5 A He worked Friday through Monday. He 12:44:00PM
6 worked nights. But his would alternate. He'd
7 either work 9 at night to 5 in the morning or 4
8 to 12, depending on the day of the week.
9 **Q Did there ever come a point in time 12:44:22PM**
10 **when you guys switched tours for a while?**
11 A Some days we'd switch tours. 12:44:27PM
12 **Q Was there a point in time where you 12:44:29PM**
13 **were working the night tours and he worked the**
14 **day tours for a while?**
15 A Yes. 12:44:35PM
16 **Q When was that? 12:44:35PM**
17 A That was summer of 2002. 12:44:36PM
18 **Q Okay. Why did you switch tours with 12:44:44PM**
19 **him during that period?**
20 A I was ordered to by the village. 12:44:47PM
21 **Q Do you know why? 12:44:52PM**
22 A They said that things were out of 12:44:54PM
23 control at night and they wanted me more
24 visible. They ordered -- I said that -- they
25 also ordered me to have George wear a white
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1 **EDWARD PARADISO**
2 night in the bars and would complain about
3 me to anybody that would listen. So it was
4 a wonderful time in my life, actually.)
5 BY MR. GOODSTADT: 12:46:40PM
6 **Q Why would the board order you to be on 12:46:41PM**
7 **nights because of that?**
8 MR. NOVIKOFF: Objection. 12:46:44PM
9 A Because they did not feel I was as 12:46:47PM
10 visible as they thought I should be and they
11 wanted to see me more. And so -- and they said
12 the bar scene had gotten out of control at night
13 and that they wanted me to rein the town in
14 before the new trustee came in to being sworn in
15 in the village.
16 **Q Did you view that as a form of 12:47:11PM**
17 **discipline for yourself?**
18 A I wasn't happy about it. I was a 12:47:15PM
19 little upset that they would feel the need to
20 have me on at nighttime. I was a little upset
21 that they felt that the village was out of
22 control. And when I informed George about it, I
23 said to him, I go, they want me on at nights
24 because you're not doing your job at night, so I
25 have to go on at night. Thanks a lot.
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1 **EDWARD PARADISO**
2 shirt during the day so they could identify him
3 as being the supervisor on during the day.
4 **Q Any other reasons? 12:45:16PM**
5 A I think also, too, because of the year 12:45:21PM
6 prior I had gone through a divorce with my wife,
7 ex-wife, and I think it was -- they felt a
8 little put off that this scandal took place in
9 their little town, as chief of police, divorcing
10 his wife. My ex was very vocal and started
11 spending a lot of time out at night in the bars
12 and would complain about me to anybody that
13 would listen. So it was a wonderful time in my
14 life, actually.
15 MR. NOVIKOFF: Can you just read that 12:46:08PM
16 answer back.
17 (Whereupon, the requested portion was 12:46:10PM
18 read back by the court reporter: I think
19 also, too, because of the year prior I had
20 gone through a divorce with my wife,
21 ex-wife, and I think it was -- they felt a
22 little put off that this scandal took place
23 in their little town, as chief of police,
24 divorcing his wife. My ex was very vocal
25 and started spending a lot of time out at
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1 **EDWARD PARADISO**
2 **Q Is that what your belief was when they 12:47:53PM**
3 **said things were out of control at night, that**
4 **George wasn't doing his job?**
5 A At that time, yeah. That was my 12:48:02PM
6 belief, yeah. That's what they said to me.
7 **Q Did you view it as a form of 12:48:06PM**
8 **discipline to George?**
9 A Working days? 12:48:09PM
10 **Q No. I mean -- 12:48:11PM**
11 A Please. I would've loved to have been 12:48:13PM
12 disciplined that way.
13 **Q I understand that. But I guess what 12:48:16PM**
14 **I'm asking you is -- well, strike that.**
15 **Do you think had George been doing his 12:48:22PM**
16 **job and not letting the place get out of**
17 **control, that that switch would've happened?**
18 MR. NOVIKOFF: Objection -- 12:48:29PM
19 MR. CONNOLLY: Objection. 12:48:30PM
20 MR. NOVIKOFF: -- to the form of the 12:48:30PM
21 question.
22 A I don't think the place was that out 12:48:33PM
23 of control, okay? I think the village needed --
24 wanted to do something because they had a new
25 trustee in power who wanted to be mayor. And he
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1 EDWARD PARADISO
2 also wanted to be the police commissioner, and
3 he wanted to close down the village at 2:00 in
4 the morning. And he wanted to do this and he
5 wanted to do that. So they wanted everything
6 back nice and quiet before he took office.
7 Because once he got in, they didn't want him
8 taking the credit for all the big changes that
9 were taking place.
10 MR. NOVIKOFF: Who was the trustee? 12:49:10PM
11 BY MR. GOODSTADT: 12:49:11PM
12 Q Who was the trustee? 12:49:11PM
13 A That was Steven Einig, E-N-I-G. 12:49:13PM
14 Q I think it's E-I-N-I-G. I believe. 12:49:22PM
15 Who told you -- who actually delivered 12:49:39PM
16 this news to you from the board?
17 MR. NOVIKOFF: Objection. 12:49:42PM
18 A Mayor Rogers, James Mallet and Scott 12:49:47PM
19 Hirsch.
20 Q And they explained to you the reason 12:50:02PM
21 was because things were out of control at night
22 and that George had to wear a white shirt. Did
23 they explain to you anything about your wife?
24 A No. They left that out. They said I 12:50:14PM
25 wasn't very visible last year, meaning the
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1 EDWARD PARADISO
2 line to become mayor.
3 Q Did Mayor Rogers -- Mayor Rogers was 12:51:22PM
4 the mayor at the time?
5 A Yes. 12:51:28PM
6 Q Did she ever tell you that the switch 12:51:28PM
7 was a form of discipline on you because you were
8 double dipping in another job?
9 A I was never double dipping in another 12:51:37PM
10 job.
11 Q Do you know whether Mayor Rogers ever 12:51:40PM
12 investigated you for double dipping in another
13 job?
14 A Yes. 12:51:44PM
15 Q Okay. When did you learn about that? 12:51:45PM
16 A I had to sit down with the village 12:51:49PM
17 attorney, go through all my time sheets, and
18 cleared myself.
19 Q What was your other job that you had? 12:52:04PM
20 A I worked school security at East Islip 12:52:06PM
21 High School.
22 Q Do you know how the issue arose which 12:52:15PM
23 led the -- strike that.
24 Do you know how the village learned 12:52:20PM
25 about this alleged double dipping that led to
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1 EDWARD PARADISO
2 summer of 2001, and that people needed to see
3 their chief of police out and about. And I
4 said, well, you know, they're not going to see
5 anybody during the day. And he goes, well, then
6 have George wear a white shirt to identify him
7 during the day.
8 Q Did James Mallet own a bar in Ocean 12:50:42PM
9 Beach?
10 A Yes. 12:50:47PM
11 Q What bar, do you know? 12:50:47PM
12 A Albatross. 12:50:50PM
13 Q And did Mr. Hirsch own a bar? 12:50:51PM
14 A Yes. 12:50:54PM
15 Q In Ocean Beach? 12:50:54PM
16 A Yes, he did. 12:50:55PM
17 Q What did he own? 12:50:56PM
18 A He owned the Island Mermaid. 12:50:57PM
19 Q And they were concerned that Einig was 12:51:03PM
20 going to come in with all these new rules?
21 A Yes. 12:51:08PM
22 Q And it would've hurt their businesses? 12:51:09PM
23 A Not so much that it would hurt their 12:51:12PM
24 businesses, but that he would take credit for
25 reining in the town and that he would be next in
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1 EDWARD PARADISO
2 their investigation?
3 A Dale Wykoff put in a Freedom of 12:52:28PM
4 Information Act to get my hours at the school
5 that I was working at.
6 Q And who is Dale Wykoff? 12:52:34PM
7 A Dale Wykoff is the post mistress. 12:52:36PM
8 Q Do you know why she did that? 12:52:41PM
9 A I have no idea. 12:52:44PM
10 Q Did you ever speak with her about it? 12:52:45PM
11 A Yeah. 12:52:49PM
12 Q And what did -- what did you discuss 12:52:51PM
13 with her about the double-dipping issue?
14 A She was very matter of fact about it. 12:52:56PM
15 She said that people were talking about it, but
16 nobody wanted to do anything because they didn't
17 want to incur my wrath, and that she knew that I
18 wasn't like that, so she would be the one to
19 file the freedom of information to get the
20 information.
21 Q Were you friendly with Ms. Wykoff? 12:53:13PM
22 A Yeah. I've known her forever. My 12:53:15PM
23 kids went to school with her. And I was the
24 officer that responded when her son committed
25 suicide.
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1 EDWARD PARADISO
2 **Q Her son committed suicide in Ocean 12:53:26PM**
3 **Beach?**
4 A Yes. 12:53:28PM
5 **Q When was that? 12:53:29PM**
6 A It was Halloween 2000 something. 12:53:29PM
7 **Q Prior to '04? 12:53:46PM**
8 A Yeah. Yeah, it was prior. 12:53:50PM
9 MR. NOVIKOFF: Was the question prior 12:53:52PM
10 to '04?
11 MR. GOODSTADT: Was the Halloween 12:53:54PM
12 something prior to -- prior to Halloween
13 2004.
14 A Yeah, it was prior. Yeah. 12:53:59PM
15 **Q And then you said that the board 12:54:05PM**
16 **ordered you to have George Hesse wear a white**
17 **shirt; is that correct?**
18 A Right. 12:54:13PM
19 **Q Is it appropriate for the second in 12:54:14PM**
20 **command to wear a white shirt?**
21 MR. NOVIKOFF: Objection. 12:54:17PM
22 A It's usually set up for lieutenant and 12:54:18PM
23 above.
24 **Q And Mr. Hesse wasn't lieutenant, was 12:54:21PM**
25 **he, at the time?**
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1 EDWARD PARADISO
2 **Q Did there come a point in time that 12:55:46PM**
3 **George Hesse was promoted from the provisional**
4 **appointment to acting sergeant?**
5 A They were the same appointment. 12:55:54PM
6 **Q The provisional appointment to acting 12:55:58PM**
7 **sergeant, that was an appointment. The question**
8 **is, was he ever promoted subsequent to that**
9 **point?**
10 A No. He'd have to pass the sergeant's 12:56:06PM
11 test to get promoted -- oh, yes. Yeah, he got
12 promoted to deputy chief after I got hurt. I'm
13 sorry.
14 **Q Do you know when that was? 12:56:18PM**
15 A January or February of 2006. 12:56:27PM
16 **Q When did you get hurt? 12:56:31PM**
17 A I got hurt in August of 2005. 12:56:33PM
18 **Q You went out on disability in 12:56:37PM**
19 **August 2005?**
20 A I went out for three days, came back 12:56:40PM
21 to work, and then I went out for good on
22 September the 26th.
23 **Q 2005? 12:56:48PM**
24 A 2005. 12:56:49PM
25 **Q You never actively worked after that? 12:56:51PM**
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1 EDWARD PARADISO
2 A No. 12:54:24PM
3 **Q And he wasn't above lieutenant, was 12:54:25PM**
4 **he?**
5 A No. 12:54:28PM
6 **Q Did you raise that with the board, 12:54:28PM**
7 **that a white shirt is only for a lieutenant and**
8 **above?**
9 A No. 12:54:33PM
10 **Q Did he wear the white shirt? 12:54:34PM**
11 A Yeah. 12:54:36PM
12 **Q For how long? 12:54:36PM**
13 A Oh, till about August. 12:54:41PM
14 **Q Is that when you guys switched back 12:54:45PM**
15 **shifts?**
16 A Yeah. 12:54:48PM
17 **Q Just so I'm clear, how long was the 12:54:49PM**
18 **shift change for? How many weeks or months?**
19 A Wait a second. I might have made a 12:54:55PM
20 mistake there. Hold on a second.
21 It was until September. 12:55:14PM
22 **Q So from -- 12:55:16PM**
23 A From -- 12:55:18PM
24 **Q From when until September? 12:55:19PM**
25 A From end of June until September. 12:55:21PM
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1 EDWARD PARADISO
2 A No. 12:56:53PM
3 **Q So you remained acting chief from 12:56:54PM**
4 **September 26th, 2005 until that July or August**
5 **date 2008?**
6 A Right. 12:57:02PM
7 **Q As acting chief out on disability? 12:57:04PM**
8 A Right. 12:57:06PM
9 **Q Did you do any work while you were 12:57:07PM**
10 **out?**
11 A No. 12:57:09PM
12 **Q How did you learn that George Hesse 12:57:11PM**
13 **was promoted to deputy chief?**
14 A I got a letter in the mail. 12:57:16PM
15 **Q From who? 12:57:18PM**
16 A Huh? 12:57:21PM
17 **Q From who? 12:57:21PM**
18 A From the mayor. 12:57:22PM
19 **Q Were you consulted prior to -- strike 12:57:23PM**
20 **that.**
21 **What did the letter say? 12:57:26PM**
22 A It said, dear Mr. Paradiso, this 12:57:28PM
23 letter is to inform you that in an effort to
24 remain -- to maintain chain of command in the
25 police department, the village board has
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1 EDWARD PARADISO
2 promoted George Hesse to acting deputy chief.
3 Good luck in your recovery.
4 **Q Who was the mayor at the time? 12:58:07PM**
5 A Mayor Rogers. 12:58:11PM
6 **Q Did you keep a copy of that letter? 12:58:12PM**
7 A Yeah, I think I have it on the desktop 12:58:16PM
8 on my computer. It was an E-mail attachment.
9 **Q Did they consult you prior to that 12:58:30PM**
10 **promotion with respect to the fact that they**
11 **were going to promote him?**
12 A Nope. 12:58:37PM
13 **Q How about subsequent to receiving that 12:58:38PM**
14 **letter, did you ever speak with Mayor Rogers**
15 **about that promotion?**
16 A Nope. 12:58:43PM
17 **Q Did you ever opine whether you thought 12:58:44PM**
18 **George Hesse was qualified for the position?**
19 A One more time. 12:58:49PM
20 **Q Did you ever opine whether George 12:58:50PM**
21 **Hesse was qualified?**
22 A What does "opine" mean? 12:58:53PM
23 **Q Give your opinion, whether you agreed? 12:58:57PM**
24 A I wasn't consulted in the decision. 12:58:58PM
25 Why would I give my opinion afterwards?
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1 EDWARD PARADISO
2 MR. NOVIKOFF: Objection. 1:00:08PM
3 A I was always under the impression that 1:00:09PM
4 you had to be at least a Civil Service sergeant
5 to get appointed to any position above sergeant.
6 But that was my understanding. I don't know if
7 it was the law.
8 **Q What is your impression or 1:00:25PM**
9 **understanding based on?**
10 A What is my understanding based on? 1:00:28PM
11 **Q Yeah. 1:00:31PM**
12 A It's what Joe Loeffler, Sr. told me 1:00:31PM
13 back 20 years ago.
14 **Q So if your understanding is correct, 1:00:34PM**
15 **then the board acted improperly by pointing him**
16 **deputy chief?**
17 MR. CONNOLLY: Objection. 1:00:44PM
18 A I doubt the board would do anything 1:00:44PM
19 improper, because they have a very competent
20 legal team that advises them. So if it was
21 illegal, they wouldn't do it.
22 **Q What do you mean by if it was illegal? 1:00:56PM**
23 A If it was against the law to have 1:01:01PM
24 appointed him, they wouldn't have done it.
25 **Q You mean violate Civil Service law? 1:01:06PM**
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1 EDWARD PARADISO
2 **Q And you were still the chief at the 12:59:04PM**
3 **time?**
4 A Technically. 12:59:07PM
5 **Q Do you know if George Hesse had 12:59:15PM**
6 **requested that promotion, like he had done for**
7 **the sergeant's position?**
8 A I have no idea. 12:59:19PM
9 **Q Did you discuss that promotion with 12:59:21PM**
10 **any board members?**
11 A Nope. 12:59:24PM
12 **Q Either before or after? 12:59:25PM**
13 A Nope. 12:59:26PM
14 **Q Did you ever discuss it with Joe 12:59:30PM**
15 **Loeffler?**
16 A Nope. 12:59:33PM
17 **Q Do you know who made the decision? 12:59:35PM**
18 A Nope. 12:59:36PM
19 **Q Was Loeffler on the board at the time? 12:59:44PM**
20 A Yes. 12:59:47PM
21 **Q Is there a test for deputy chief, 12:59:53PM**
22 **Civil Service test?**
23 A I don't think so. 1:00:02PM
24 **Q Do you need to pass a sergeant's test 1:00:04PM**
25 **in order to become deputy chief?**
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1 EDWARD PARADISO
2 A Right. 1:01:08PM
3 **Q Sitting here today, do you know 1:01:09PM**
4 **whether George Hesse ever passed the sergeant's**
5 **test?**
6 A I don't believe he ever did, no. 1:01:15PM
7 **Q Sitting here today do you know how 1:01:19PM**
8 **many times he's taken it?**
9 A I know he's taken it at least once. 1:01:22PM
10 **Q Do you know whether this appointment 1:01:35PM**
11 **or promotion was reported to Civil Service?**
12 A I have no idea. 1:01:41PM
13 MR. GOODSTADT: Just mark that, 1:01:55PM
14 please.
15 (Whereupon, Bates document 28 was 1:01:56PM
16 marked as Plaintiff's Exhibit 4 for
17 identification, as of this date.)
18 MR. GOODSTADT: I've placed in front 1:02:27PM
19 of Mr. Paradiso what's now been marked as
20 Paradiso 4. It's a one-page exhibit. I
21 know it's not Bates numbered -- it is Bates
22 numbered 28.
23 BY MR. GOODSTADT: 1:02:40PM
24 **Q Mr. Paradiso, have you ever seen this 1:02:40PM**
25 **page of the minutes from the Incorporated**
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1 **EDWARD PARADISO**
2 **Village of Ocean Beach Board of Trustees meeting**
3 **from January 28, 2006?**
4 A No. 1:02:49PM
5 **Q Okay. If you look down on the section 1:02:50PM**
6 **that says "Designation of George Hesse as deputy**
7 **chief of police."**
8 **Do you see that? 1:03:00PM**
9 A Yes. 1:03:00PM
10 **Q And it says that -- in the second line 1:03:01PM**
11 **it says, "Trustee Loeffler made motion to**
12 **designate George Hesse as deputy chief of police**
13 **with all power and authority involved in that**
14 **position."**
15 **Do you see that? 1:03:13PM**
16 A Yes. 1:03:14PM
17 **Q Do you know what that means, all power 1:03:15PM**
18 **and authority involved in that position?**
19 A I guess you would have to ask Trustee 1:03:19PM
20 Loeffler what that means.
21 **Q You don't know what it means? 1:03:22PM**
22 A I can only postulate by reading it 1:03:24PM
23 that it gives him all power and authority
24 involved with acting as the deputy chief of
25 police.
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1 **EDWARD PARADISO**
2 **did his role change?**
3 MR. NOVIKOFF: Objection to form. 1:04:29PM
4 A I think in the time that I got hurt to 1:04:34PM
5 the time that this took place, my role changed.
6 I was no longer actively working at the police
7 station and I was no longer making the
8 day-to-day decisions of the police department.
9 When I went out, we had had a string of rain. I
10 think we had 12 days of straight rain in
11 October. And I went in to sign the payroll.
12 Because I had only been out from the 26th, so
13 I'm thinking that I gotta go in and at least
14 sign the payroll. And I looked at the payroll
15 sheets, and George had himself down for three
16 24-hour tours during this height of the storms.
17 And I said, George, you know, how can I sign
18 this? How can you work 24 hours a day? And he
19 said, oh, it's okay, I already cleared it with
20 Joe Loeffler. And I said, oh, okay, then I
21 don't have to sign these. And I realized that,
22 you know, I was already out of the loop of
23 decision making, that George and Joe Loeffler
24 were going to be handling the day-to-day, and I
25 would just have to have my surgery and recover
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1 **EDWARD PARADISO**
2 **Q Do you know how George Hesse's role 1:03:36PM**
3 **changed come January 28, 2006, other than for**
4 **the title change?**
5 MR. NOVIKOFF: Objection to the form. 1:03:47PM
6 Compared to what time period? 1:03:51PM
7 MR. GOODSTADT: Compared to the day 1:03:53PM
8 before he had the title change.
9 MR. NOVIKOFF: Then you have -- 1:03:57PM
10 MR. GOODSTADT: When he was sergeant. 1:03:58PM
11 MR. NOVIKOFF: Well, there was period 1:03:59PM
12 of time that he was sergeant, and then
13 Mr. Paradiso, from what I recollect his
14 testimony being, left in August or September
15 due to injury. And then Mr. Hesse was there
16 between September and December and
17 Mr. Paradiso wasn't. So that was the basis
18 of my question.
19 MR. GOODSTADT: Okay. 1:04:15PM
20 MR. NOVIKOFF: It's a foundation 1:04:15PM
21 question, really.
22 MR. GOODSTADT: That's a good point. 1:04:17PM
23 BY MR. GOODSTADT: 1:04:18PM
24 **Q Between the time of your going out on 1:04:18PM**
25 **disability and Hesse receiving his promotion,**
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1 **EDWARD PARADISO**
2 and hopefully get back to duty as soon as
3 possible. And it didn't work out that way.
4 **Q And did you -- had you ever seen 1:06:02PM**
5 **somebody work three 24-hour shifts in one pay**
6 **period?**
7 A Oh, I've done it. 1:06:08PM
8 **Q Three 24-hour shifts? 1:06:11PM**
9 A Yeah. I didn't get paid for 24 hours. 1:06:12PM
10 I'd get paid for my eight hours. But back when
11 I first worked with Joe Loeffler, we would work
12 four days 24 hours a day and then be off three.
13 **Q So you wouldn't sleep at all? 1:06:25PM**
14 A Oh, you'd sleep. You'd be on call for 1:06:27PM
15 those times, you know, so -- it was only the two
16 of us back then. We didn't have the seasonals
17 in the off season. After the ferries stopped
18 running on Memorial Day, very few people would
19 be out there. There would only be the
20 year-round residents. Nothing would be open.
21 So we worked our normal shift, and then we'd be
22 on call for the other 16. We had the police
23 phone in our house. It was kind of like Jaws,
24 you know?
25 **Q But you never got paid? 1:06:56PM**
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1 **EDWARD PARADISO**
2 A No. 1:06:57PM
3 **Q Have you ever seen anyone get paid for 1:06:58PM**
4 **a 24 hour shifts?**
5 A George did. 1:07:01PM
6 **Q Other than for George? 1:07:02PM**
7 A Yes. Yeah, I had other guys that 1:07:05PM
8 would come in and work like a holiday where I
9 couldn't get anybody else to work, so they would
10 work a complete 24-hour tour and stay up.
11 **Q Did you believe that George worked 1:07:18PM**
12 **those three 24-hour tours?**
13 MR. NOVIKOFF: Objection. 1:07:22PM
14 MR. CONNOLLY: Objection. 1:07:23PM
15 A He wrote it, he signed it. I doubt 1:07:23PM
16 that he would sign anything he didn't do.
17 MR. NOVIKOFF: I withdraw my 1:07:30PM
18 objection. Just kidding.
19 BY MR. GOODSTADT: 1:07:44PM
20 **Q And so the promotion to deputy chief, 1:07:44PM**
21 **that's senior to sergeant, correct?**
22 A Yes. 1:07:49PM
23 **Q So during the period that you were on 1:07:50PM**
24 **leave prior to the January of '06 promotion, did**
25 **George have the authority to hire and fire?**
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1 **EDWARD PARADISO**
2 **Q And he didn't have to come to you for 1:08:58PM**
3 **approval after that?**
4 A He didn't. 1:09:02PM
5 **Q Before that, while you were still 1:09:07PM**
6 **there, did he come to you for approval to hire**
7 **and fire?**
8 MR. NOVIKOFF: Objection. 1:09:17PM
9 A When? 1:09:17PM
10 **Q While you were still actively working 1:09:17PM**
11 **and George was a sergeant, did he need your**
12 **approval to hire and fire?**
13 MR. NOVIKOFF: Note my objection as to 1:09:24PM
14 form.
15 A George didn't have the authority to 1:09:27PM
16 hire and fire.
17 **Q So is it your understanding that he 1:09:36PM**
18 **gained that authority with this promotion?**
19 MR. NOVIKOFF: Objection to form. 1:09:42PM
20 A It's my understanding by reading 1:09:44PM
21 what's written here that they gave him that
22 authority.
23 **Q Okay. And just so the record is 1:09:49PM**
24 **crystal clear, because it's an important point,**
25 **to your understanding, prior to this promotion,**
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1 **EDWARD PARADISO**
2 A I don't know what authority he had. 1:08:03PM
3 **Q How about after a January 28th of 1:08:05PM**
4 **2006, did George have the authority to hire and**
5 **fire?**
6 A Well, I guess when they made him 1:08:14PM
7 deputy chief, they gave him the authority to
8 hire and fire.
9 MR. NOVIKOFF: Can you just read back 1:08:19PM
10 the prior question and answer.
11 (Whereupon, the requested portion was 1:08:22PM
12 read back by the court reporter: Q, So
13 during the period that you were on leave
14 prior to the January of '06 promotion, did
15 George have the authority to hire and fire?
16 A, I don't know what authority he had.)
17 BY MR. GOODSTADT: 1:08:22PM
18 **Q And it's your understanding that after 1:08:42PM**
19 **January of 2006, that he had authority to hire**
20 **and fire?**
21 MR. NOVIKOFF: Objection. 1:08:47PM
22 A I can only go by what is written here, 1:08:48PM
23 that they gave him all the authority that the
24 job entails. So I guess they gave him the
25 authority to hire and fire.
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1 **EDWARD PARADISO**
2 **had he ever been granted that authority?**
3 MR. NOVIKOFF: Objection. Asked and 1:10:02PM
4 answered.
5 A I have no idea. 1:10:04PM
6 **Q Okay. 1:10:05PM**
7 MR. NOVIKOFF: You're talking about 1:10:06PM
8 between the period of time that Mr. Paradiso
9 went out on disability and the date of this
10 promotion?
11 MR. GOODSTADT: Or anytime before 1:10:13PM
12 that.
13 MR. NOVIKOFF: I think he's already 1:10:14PM
14 testified while he was active, Mr. Hesse had
15 no hiring or firing authority.
16 MR. GOODSTADT: Okay. Then I guess 1:10:20PM
17 it's that sub period, then.
18 A You gotta repeat that last part. 1:10:26PM
19 **Q My question was whether you're aware 1:10:29PM**
20 **of -- prior to January 28th, 2006, were you**
21 **aware at any point in time where George was**
22 **given the authority to hire and fire prior to**
23 **this promotion?**
24 A No. 1:10:44PM
25 **Q Do you know whether George Hesse 1:11:01PM**
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1 **EDWARD PARADISO**
2 **received any promotions from the title of deputy**
3 **chief of police?**
4 A No. 1:11:09PM
5 **Q Is there a difference between a deputy 1:11:11PM**
6 **chief of police and a chief of police?**
7 MR. NOVIKOFF: Objection. 1:11:15PM
8 A Other than the word "deputy"? We 1:11:19PM
9 never -- I never had a deputy chief working for
10 me while I was the chief of police. Once I was
11 no longer able to work, I still retained the
12 title until my retirement went through. So they
13 couldn't promote him to anything but a deputy
14 chief. Once I was no longer actively employed
15 by the village, when my retirement went through,
16 I don't know what they did, if they just took
17 the deputy away and made him chief of police or
18 what. I don't know.
19 **Q So you're not aware of any formal 1:11:58PM**
20 **promotion after this date?**
21 A No. 1:12:02PM
22 MR. GOODSTADT: We can break here for 1:12:16PM
23 lunch?
24 THE VIDEOGRAPHER: The time is 1:13. 1:12:18PM
25 We're going off the record.
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1 **EDWARD PARADISO**
2 have, but I'm not certain. If I wrote it, I
3 would've wrote it at the police station.
4 **Q Now, other than for the -- other than 2:11:31PM**
5 **for the Bridgett Peterson litigation, have you**
6 **been a party in any other litigations in**
7 **connection with your employment at Ocean Beach?**
8 A Yeah. There were -- I guess whatever 2:11:51PM
9 complaint was made against the police
10 department, I was added to it as chief of
11 police. But I was never deposed in any of them.
12 **Q In which cases were you named as a 2:12:03PM**
13 **party?**
14 A Gilena versus the village, I think. 2:12:08PM
15 There might have been one or two others. I
16 don't recall the names.
17 **Q Were you named in the Sam Gilbert 2:12:32PM**
18 **case?**
19 A No, I was not. 2:12:36PM
20 **Q How about in the Jesse Prisco matter? 2:12:41PM**
21 A Who's Jesse Prisco? 2:12:43PM
22 **Q I guess the answer is you don't know 2:12:45PM**
23 **if you were named by him.**
24 **Do you recall a matter called Bruce 2:12:55PM**
25 **Mancada versus Ocean Beach Police Department?**
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1 **EDWARD PARADISO**
2 (Whereupon, a lunch break was taken.) 1:12:22PM
3 THE VIDEOGRAPHER: The time is 2:11. 2:10:16PM
4 We're back on the record.
5 BY MR. GOODSTADT: 2:10:19PM
6 **Q Prior to us taking a break, we 2:10:22PM**
7 **discussed George Hesse's promotion through the**
8 **ranks at Ocean Beach Police Department.**
9 A Right. 2:10:35PM
10 **Q And one question I asked you was about 2:10:36PM**
11 **a letter that you had written on behalf of**
12 **Mr. Hesse to Angie -- I don't remember her last**
13 **name.**
14 A Carpenter. 2:10:55PM
15 **Q Carpenter, exactly. 2:10:56PM**
16 **Did you keep a copy of that letter? 2:10:57PM**
17 A No. 2:10:59PM
18 **Q You don't have a copy? Did you do it 2:11:00PM**
19 **at home on your home computer or did you put**
20 **together the letter at the department?**
21 A I'm trying to think whether or not I 2:11:12PM
22 actually wrote the letter or I talked to the
23 mayor and the mayor wrote the letter. I'm
24 pretty sure the mayor wrote the letter, but I'm
25 not certain if I wrote a letter or not. I might
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1 **EDWARD PARADISO**
2 A No. 2:13:00PM
3 MR. GOODSTADT: Can you just mark 2:13:15PM
4 this, please.
5 (Whereupon, Bates document 7729 was 2:13:17PM
6 marked as Plaintiff's Exhibit 5 for
7 identification, as of this date.)
8 MR. GOODSTADT: I've placed in front 2:13:48PM
9 of Mr. Paradiso what's marked as Paradiso 5.
10 It's a one-page exhibit bearing Bates
11 Number 7729. It's a March 14th, 2000
12 letter.
13 BY MR. GOODSTADT: 2:13:58PM
14 **Q Mr. Paradiso, do you recall receiving 2:14:00PM**
15 **the letter marked as Paradiso 5?**
16 A No. 2:14:04PM
17 **Q This doesn't refresh your 2:14:08PM**
18 **recollection?**
19 A No. 2:14:12PM
20 **Q Do you have any idea how who Bruce 2:14:12PM**
21 **Mancada is?**
22 A No. 2:14:15PM
23 **Q Do you recall ever forwarding officer 2:14:16PM**
24 **Hesse's personnel file to lawyers for the**
25 **village?**
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1 **EDWARD PARADISO**
2 A No. 2:14:21PM
3 **Q Let's go back to the Gilena matter. 2:14:25PM**
4 **What was that case about?**
5 A That was Sergeant Golopi had stopped a 2:14:32PM
6 guy who was grabbing a girl's rear-end as he
7 walked by. He grabbed the guy and arm barred
8 him to the police station.
9 **Q When was this case brought? 2:15:00PM**
10 A Had to be before 1998, because that's 2:15:03PM
11 when Bob left, so...
12 **Q And what was Mr. Gilena suing for? 2:15:08PM**
13 **What was the cause of action?**
14 A I think he was suing for false arrest 2:15:23PM
15 and maybe an injury. I'm not certain.
16 **Q Did he allege that you did anything 2:15:36PM**
17 **wrong?**
18 A No. I wasn't there. 2:15:38PM
19 **Q Do you know how the case resolved? 2:15:42PM**
20 A I think they settled out of court. 2:15:46PM
21 **Q Have you ever been sued for engaging 2:15:57PM**
22 **in police brutality?**
23 A No. 2:16:03PM
24 **Q Do you know whether George Hesse has 2:16:04PM**
25 **ever been sued for engaging in some form of**
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1 **EDWARD PARADISO**
2 **police brutality?**
3 A I think it was alleged. 2:16:11PM
4 **Q How many times? 2:16:12PM**
5 A Counting this last one that just took 2:16:25PM
6 place?
7 **Q The Gilbert matter that was settled? 2:16:28PM**
8 A Counting that one? 2:16:31PM
9 MR. NOVIKOFF: I'm sorry, what was 2:16:34PM
10 that question?
11 MR. GOODSTADT: The Gilbert matter 2:16:36PM
12 that was settled. I assume that the
13 newspaper report was accurate.
14 MR. NOVIKOFF: Objection to the form 2:16:44PM
15 of the question. Just in case Mr. Goodstadt
16 tries to slip that in for the jury in this
17 trial, if it ever becomes a jury question.
18 A I'm thinking maybe three. 2:16:55PM
19 **Q That includes the Gilbert matter? 2:16:57PM**
20 A Yeah. 2:16:59PM
21 **Q Okay. What were the other two? 2:16:59PM**
22 A I don't remember the names. One, they 2:17:03PM
23 were chasing a guy who was having a problem at
24 the ferry terminal. He went to jump over the
25 line, caught his foot on the line and hit his
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1 **EDWARD PARADISO**
2 face on the ground, and the guy implied that
3 George threw him to the ground. But there were
4 like five or six civilian witnesses right there
5 that he tripped over the rope, but he put the
6 complaint in.
7 **Q Were you named in that complaint? 2:17:27PM**
8 A As the chief, yeah. 2:17:30PM
9 **Q So that's in addition to the Galena 2:17:32PM**
10 **case?**
11 A Yeah. You're asking for names, and 2:17:34PM
12 that's the only one I could come up with.
13 **Q How did that case resolve? 2:17:41PM**
14 A I think it was dismissed. 2:17:43PM
15 **Q Do you know where the case was filed? 2:17:46PM**
16 A No. 2:17:48PM
17 **Q Did you ever testify in that case? 2:17:49PM**
18 A No. 2:17:50PM
19 **Q Do you know whether George testified 2:17:51PM**
20 **in that case?**
21 A I'm not certain. 2:17:53PM
22 **Q Okay. Any others that Mr. Hesse was 2:18:02PM**
23 **named as a defendant for alleged police**
24 **brutality?**
25 A I think there was one other, but I 2:18:14PM
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1 **EDWARD PARADISO**
2 don't remember the facts and circumstances
3 behind it.
4 **Q Do you recall any facts or 2:18:18PM**
5 **circumstance?**
6 A Say it again. 2:18:20PM
7 **Q Do you remember any of the facts or 2:18:22PM**
8 **circumstances?**
9 A I just said I don't remember any of 2:18:24PM
10 the facts and circumstances behind it.
11 **Q Do you know when that was filed? 2:18:27PM**
12 A No. 2:18:29PM
13 **Q Were you named in that case as well? 2:18:30PM**
14 A Probably as chief of police. Whenever 2:18:31PM
15 anything would come across the police
16 department's thing, I would get named as a
17 chief. It was a common practice.
18 MR. NOVIKOFF: Except this case. 2:18:38PM
19 THE WITNESS: Yes. 2:18:40PM
20 BY MR. GOODSTADT: 2:18:41PM
21 **Q How many times had you been named as a 2:18:44PM**
22 **defendant in a matter in connection with your**
23 **employment at Ocean Beach?**
24 A Four or five. 2:18:57PM
25 **Q Do you recall the facts or 2:19:00PM**
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1 **EDWARD PARADISO**
2 **circumstances, other than for the ones you've**
3 **testified to thus far?**
4 A I discussed the other ones with you, 2:19:06PM
5 the Bridgett Peterson case.
6 **Q Right. 2:19:10PM**
7 A Right. You had Gilena, the guy that 2:19:11PM
8 jumped over the rope. The one I can't remember.
9 Is there another one? No, I don't remember.
10 **Q Have you ever been a plaintiff in a 2:19:39PM**
11 **civil matter?**
12 A My divorce. 2:19:43PM
13 **Q Any other matters you've been a 2:19:44PM**
14 **plaintiff?**
15 A In a civil matter? 2:19:46PM
16 **Q Yes. 2:19:47PM**
17 A Yes. I was a plaintiff versus the 2:19:48PM
18 village.
19 **Q And when was that? 2:19:52PM**
20 A That was -- I guess that case was 2:19:53PM
21 filed in 2007.
22 **Q You filed in a court? 2:20:06PM**
23 A Yes. 2:20:07PM
24 **Q What court was it filed in? 2:20:07PM**
25 A Suffolk County District Court, I 2:20:10PM
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1 **EDWARD PARADISO**
2 guess, supreme Court. Either the District or
3 Supreme Court, whatever would handle a civil
4 matter like that.
5 **Q Were you the only plaintiff in the 2:20:21PM**
6 **case?**
7 A Yes. 2:20:23PM
8 **Q And who were the defendants? 2:20:24PM**
9 A The mayor and the Village of Ocean 2:20:25PM
10 Beach.
11 **Q Mayor Loeffler or Mayor Rogers? 2:20:28PM**
12 A Well, it happened under Mayor Rogers' 2:20:31PM
13 watch, but somehow they -- when they switched --
14 when she didn't run, he re-ran, so now he was
15 named as the defending mayor.
16 **Q And what were the allegations in that 2:20:50PM**
17 **case?**
18 A Well, while I was out on disability, 2:20:55PM
19 they gave George Hesse a raise. And according
20 to the general municipal law, the chief is
21 protected from subordinates getting raises by
22 being entitled to the same percentage raise or
23 the same monetary amount raise that his first
24 subordinate officer would get. I hired -- I
25 wrote them a letter, and they said, no, it
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1 **EDWARD PARADISO**
2 didn't apply to us because we didn't have a PBA
3 or a union and we were under a contract. So I
4 hired an attorney. He took a retainer. We won
5 in court. I was -- they were told to pay the
6 amount. It was like \$2,100. They appealed, and
7 they won on appeal. So I ended up spending like
8 \$14,000 to lose my appeal. That was the second
9 best day of my life.
10 **Q On a \$2,100 claim? 2:22:07PM**
11 A Yeah. 2:22:09PM
12 **Q What was the basis for -- if you know, 2:22:11PM**
13 **for the appellate court overturning the**
14 **decision?**
15 A Well, first the village was alleging 2:22:17PM
16 that I was never the chief of police, and then
17 that got sidelined. And the appellate court
18 said, oh, even though it reads one way, it's
19 really only to police departments that are
20 covered by union agreements. So even though the
21 law says that chiefs are protected, it only
22 protects the chiefs that work for a department
23 that has a union.
24 **Q Let me ask you the question you said 2:22:53PM**
25 **about before, that the village alleged that you**
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1 **EDWARD PARADISO**
2 **weren't the chief. They're alleging that you**
3 **were never the chief of police?**
4 A Yeah. 2:23:01PM
5 **Q Or you just weren't the chief while 2:23:01PM**
6 **you were out?**
7 A No. 2:23:04PM
8 **Q That you were never the chief? 2:23:04PM**
9 A That I was never the chief. 2:23:04PM
10 **Q What was the basis of their argument? 2:23:06PM**
11 A My Civil Service ranking as sergeant. 2:23:08PM
12 **Q Were you ever appointed chief by the 2:23:11PM**
13 **board?**
14 A Yeah. I was sworn in on the document. 2:23:13PM
15 All my credentials were chief of police. On my
16 retirement papers, I have the mayor's signature
17 stating I was the chief of police on my
18 retirement papers. On the village's website, it
19 named me as chief of police.
20 **Q When you say it got sidelined, what 2:23:29PM**
21 **did you mean by that?**
22 A Well, they decided that that was a 2:23:32PM
23 moot point. They just concentrated on the union
24 issue.
25 **Q The village did or the court did? 2:23:38PM**
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1 **EDWARD PARADISO**
2 A The court did. 2:23:39PM
3 **Q And when you say a moot point, it was 2:23:42PM**
4 **moot because it had proven otherwise or moot**
5 **because once you lost the other argument, it**
6 **didn't matter whether you were chief or not?**
7 MR. NOVIKOFF: You're asking him why 2:23:53PM
8 the appellate division decided something was
9 moot, in his opinion?
10 MR. GOODSTADT: Yeah. 2:23:59PM
11 MR. NOVIKOFF: Objection to form. 2:24:01PM
12 A I don't know. 2:24:02PM
13 **Q Was there a written opinion? 2:24:03PM**
14 A Yeah. And then I had to pay \$3,000 to 2:24:04PM
15 get it all printed up too.
16 **Q What do you mean, to get it all 2:24:13PM**
17 **printed up?**
18 A Get the decisions all printed up. 2:24:15PM
19 There were printing costs involved that all
20 got -- they got one billing of something
21 approved, so I had to send the village attorneys
22 \$3,200 to print out all the different copies and
23 the per-page documents that they had to come up
24 with. It was a highlight.
25 **Q When you say the village attorneys, 2:24:37PM**
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1 **EDWARD PARADISO**
2 A Against the State of New York. I 2:25:41PM
3 guess it's with the State of New York. I mean
4 my retirement was all approved, but my workmen's
5 comp case is still in limbo.
6 **Q In connection with your injury at the 2:25:51PM**
7 **beach?**
8 A Yeah. 2:25:53PM
9 **Q Other than for that, any other cases? 2:25:53PM**
10 A Yeah. No, no. 2:25:56PM
11 **Q What did you do, if anything, to 2:25:57PM**
12 **prepare for today's deposition?**
13 A I didn't do anything. 2:26:01PM
14 **Q Did you review any files or documents? 2:26:03PM**
15 A I don't have any. 2:26:05PM
16 **Q Did you speak with anybody other than 2:26:06PM**
17 **for myself or somebody over at Ken Novikoff's**
18 **firm to schedule dates?**
19 A No. Oh, I did call up the attorney 2:26:15PM
20 that did represent me in other portions of the
21 village to find out whether or not the village
22 is providing me with an attorney, if I should
23 bring an attorney.
24 **Q That's the attorney you hired that 2:26:36PM**
25 **called up?**
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1 **EDWARD PARADISO**
2 **who are you referring to?**
3 A It was Ken Gray and Bee Fishman and 2:24:41PM
4 Ready.
5 **Q Did you appeal that decision? 2:24:49PM**
6 A No. 2:24:51PM
7 **Q So it's done, the case is done? 2:24:52PM**
8 A Yeah. I wasn't gonna go into further 2:24:54PM
9 debt over \$2,100. I couldn't imagine that -- I
10 had no idea it would cost me that much to appeal
11 it. I was kind of naive.
12 **Q Other than for that case and the 2:25:08PM**
13 **divorce, have you ever been a plaintiff in any**
14 **other matters?**
15 A No. 2:25:17PM
16 **Q Did you do anything to prepare for 2:25:21PM**
17 **today's deposition?**
18 A I'm sorry. 2:25:25PM
19 **Q Go ahead. If you want to correct an 2:25:26PM**
20 **answer, that's fine.**
21 A Yeah. Does workmen's compensation 2:25:29PM
22 cases count as plaintiff or is that all counted
23 in with your retirement and stuff? I still have
24 an ongoing workmen's compensation case.
25 **Q Against who? 2:25:41PM**
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1 **EDWARD PARADISO**
2 A Yes. 2:26:38PM
3 **Q The one that represented you in the 2:26:39PM**
4 **compensation case?**
5 A Yes. 2:26:41PM
6 **Q Other than for him -- and I don't want 2:26:42PM**
7 **to know anything you said or heard with him.**
8 **But other than for him, did you speak with**
9 **anybody else?**
10 A No. 2:26:47PM
11 **Q Before, you testified that generally 2:26:52PM**
12 **you worked the day tours and George Hesse, when**
13 **he was a sergeant worked certain night tours,**
14 **correct?**
15 A Uh-huh. Yes. 2:27:02PM
16 **Q And so on your tours, you were the 2:27:03PM**
17 **most senior officer; is that correct?**
18 A Yes. 2:27:07PM
19 **Q And on his tours, he was the most 2:27:08PM**
20 **senior officer?**
21 A Yes. 2:27:11PM
22 **Q What is a chain of command, your 2:27:12PM**
23 **understanding with respect to the police**
24 **department?**
25 MR. NOVIKOFF: Objection. 2:27:18PM
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1 EDWARD PARADISO
2 A You want me to explain the chain of 2:27:19PM
3 command?
4 Q Yes. 2:27:22PM
5 A Chain of command, well, in a small 2:27:22PM
6 department, it's very narrow, because you have
7 the chief, you have the second in command,
8 George Hesse, and then you have all the other
9 officers. So that's the chain.
10 Q So the chain, to go up the chain, you 2:27:33PM
11 go officers to George Hesse to you?
12 A Yes. 2:27:39PM
13 Q Okay. Is there anybody above you in 2:27:40PM
14 the chain of command?
15 A Mayor. 2:27:43PM
16 Q How about above the mayor, is there 2:27:44PM
17 anyone?
18 A No. 2:27:46PM
19 Q And did you ever instruct officers 2:27:56PM
20 that if there's a problem on George Hesse's
21 shift, that you speak to him about it; if
22 there's a problem on your shift, that they speak
23 to you about it?
24 A The chain of command was if there's a 2:28:13PM
25 problem, talk to the sergeant. If the sergeant
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1 EDWARD PARADISO
2 is the problem, you talk to me.
3 Q And you told people that? 2:28:20PM
4 A That's what I told -- well, I told 2:28:23PM
5 them that at the first meeting when I took over
6 as chief of police.
7 Q Did you tell anyone that after you 2:28:27PM
8 took over as chief of police?
9 A That was the chain of command. It 2:28:34PM
10 didn't change.
11 Q Did -- were Gary and Richard Bosetti 2:28:48PM
12 generally on your tour or Chief Hesse's tour?
13 MR. NOVIKOFF: Objection to form. 2:28:56PM
14 A Gary and Richie usually worked 4 to 2:29:00PM
15 12s, so they would be -- they were like an
16 in-between tour. I usually got off at 4:00.
17 George would come on at 9. They would come on
18 either individually or together at 4:00 and work
19 until midnight or until -- if it was a weekend,
20 they might work until 2 in the morning or
21 however -- it was dictated by the amount of
22 people that were there, how many guys came in
23 and worked that night.
24 Q How about Arnold Hardman, what tour 2:29:30PM
25 did he generally work?
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1 EDWARD PARADISO
2 A Arnold, he usually worked a tour 2:29:35PM
3 similar with George, 9 to 5.
4 MR. NOVIKOFF: That's 9 at night until 2:29:43PM
5 5 in the morning?
6 THE WITNESS: Yeah. 2:29:46PM
7 MR. NOVIKOFF: Okay. 2:29:46PM
8 BY MR. GOODSTADT: 2:29:46PM
9 Q How about Tyree Bacon? 2:29:47PM
10 A Ty Bacon worked usually midnights, 2:29:49PM
11 midnight to 8 in the morning.
12 Q So that would be on -- George would be 2:29:57PM
13 the commanding officer?
14 A Yes. Uh-huh. 2:30:01PM
15 Q How about John Dyer? 2:30:02PM
16 A John Dyer. John Dyer? I don't 2:30:05PM
17 remember what he would work.
18 Q How about Walter Moeller? 2:30:24PM
19 A Walter usually worked 4 to 12s, I 2:30:26PM
20 believe.
21 Q Is that the same tour the Bosettis 2:30:29PM
22 usually worked?
23 A Yes. 2:30:32PM
24 Q So part of the tour there would be 2:30:32PM
25 nobody -- no commanding officer, and then the
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1 EDWARD PARADISO
2 other part Mr. Hesse would be the commanding
3 officer?
4 A Yes. 2:30:39PM
5 Q How about Frank Fiorillo? 2:30:41PM
6 A Frank usually worked midnights and 2:30:44PM
7 then day tours -- he usually backed up. He'd
8 work doubles. He was a machine. He'd work
9 midnight to 8 in the morning and come on, and he
10 worked beach tours on the weekends.
11 Q So midnight to 8, George Hesse would 2:31:01PM
12 be the commanding officer; and the morning tour,
13 you'd be the commanding officer?
14 A Right. 2:31:07PM
15 Q How about Joe Nofi? 2:31:07PM
16 A Nofi worked usually day, day tours on 2:31:09PM
17 the beach.
18 Q How about Tom Snyder? 2:31:14PM
19 A Tommy worked midnights, or 9 to 5s. 2:31:15PM
20 Right, Tom? 2:31:19PM
21 Q So that would be -- commanding officer 2:31:20PM
22 would be George Hesse?
23 A Right. 2:31:23PM
24 Q How about Kevin Lamm? 2:31:24PM
25 A Kevin Lamm, usually midnights. 2:31:26PM
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<p style="text-align: right;">Page 170</p> <p>1 EDWARD PARADISO</p> <p>2 Q So Lamm, Mr. Hesse would be the 2:31:30PM</p> <p>3 commanding per?</p> <p>4 A Correct. 2:31:35PM</p> <p>5 Q And how about Ed Carter? 2:31:36PM</p> <p>6 A Eddie Carter would work midnights 2:31:37PM</p> <p>7 also.</p> <p>8 Q So he had mostly -- Mr. Hesse would be 2:31:40PM</p> <p>9 his commanding officer?</p> <p>10 A Right. 2:31:45PM</p> <p>11 Q Do you recall what year Gary and 2:31:52PM</p> <p>12 Richard Bosetti were hired?</p> <p>13 A 2002. 2:32:17PM</p> <p>14 Q Did you have any role in hiring them? 2:32:18PM</p> <p>15 MR. NOVIKOFF: Other than what he's 2:32:22PM</p> <p>16 already testified to as being his authority?</p> <p>17 ATTORNEY1: I don't know that he 2:32:26PM</p> <p>18 testified about specifically with the</p> <p>19 Bosettis.</p> <p>20 MR. NOVIKOFF: He said he had hiring 2:32:29PM</p> <p>21 and firing authority. Objection to form.</p> <p>22 A They came in, placed applications, and 2:32:35PM</p> <p>23 I hired them.</p> <p>24 Q Did you know them before -- 2:32:38PM</p> <p>25 A No. 2:32:39PM</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 171</p> <p>1 EDWARD PARADISO</p> <p>2 Q -- hiring them? 2:32:39PM</p> <p>3 Did you check to see if the Bosettis 2:32:47PM</p> <p>4 or did you do anything to determine whether the</p> <p>5 Bosettis were certified to work as police</p> <p>6 officers in Suffolk County?</p> <p>7 MR. NOVIKOFF: Objection to form. He 2:32:56PM</p> <p>8 already testified as to what his process</p> <p>9 was.</p> <p>10 A They were certified police officers. 2:32:59PM</p> <p>11 They were retired city cops.</p> <p>12 Q So when you say certified police 2:33:04PM</p> <p>13 officers, does that mean --</p> <p>14 A State of New York. 2:33:08PM</p> <p>15 Q How about in Suffolk County? 2:33:09PM</p> <p>16 A When I hired them, they weren't. 2:33:12PM</p> <p>17 Eventually, they became certified.</p> <p>18 Q I'm just focusing right now on when 2:33:21PM</p> <p>19 you hired them.</p> <p>20 A When I hired them, they -- I hired 2:33:24PM</p> <p>21 them, they had not been certified by Suffolk</p> <p>22 County.</p> <p>23 MR. NOVIKOFF: I'm sorry? 2:33:34PM</p> <p>24 THE WITNESS: They had not been 2:33:35PM</p> <p>25 certified by Suffolk County.</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 172</p> <p>1 EDWARD PARADISO</p> <p>2 BY MR. GOODSTADT: 2:33:37PM</p> <p>3 Q So they were retired from the city but 2:33:38PM</p> <p>4 not certified by Suffolk County; is that</p> <p>5 correct?</p> <p>6 A Right. 2:33:42PM</p> <p>7 Q If they retire from New York City, do 2:33:42PM</p> <p>8 they still retain the title of police officer or</p> <p>9 do they become civilians --</p> <p>10 MR. NOVIKOFF: Objection. 2:33:54PM</p> <p>11 BY MR. GOODSTADT: 2:33:55PM</p> <p>12 Q -- upon retiring? 2:33:55PM</p> <p>13 A They are civilians upon retiring, but 2:33:56PM</p> <p>14 their certificates are still valid for year. So</p> <p>15 if they get another police job within that year,</p> <p>16 they're still certified by the state.</p> <p>17 Q Again, I think there's a distinction 2:34:11PM</p> <p>18 between state and county; is that correct?</p> <p>19 A That's your distinction, yes. 2:34:15PM</p> <p>20 Q And is there a distinction? 2:34:16PM</p> <p>21 MR. NOVIKOFF: Objection to form. 2:34:18PM</p> <p>22 A What distinction would you mean? 2:34:22PM</p> <p>23 Q I think you testified that at the time 2:34:24PM</p> <p>24 you hired them, they weren't certified to be</p> <p>25 police officers for Suffolk County, but they</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 173</p> <p>1 EDWARD PARADISO</p> <p>2 were certified by the state; is that correct?</p> <p>3 A Well, it was eventually brought to my 2:34:30PM</p> <p>4 attention by the county that they had some</p> <p>5 inconsistencies with the Civil Service payroll</p> <p>6 by certifying the payroll. And they required us</p> <p>7 to have everyone go through an additional</p> <p>8 background, medical, psychological for all the</p> <p>9 other officers that hadn't had it prior. So Ty</p> <p>10 Bacon had to go through it, Gary and Rich</p> <p>11 Bosetti, John -- an officer named John, I don't</p> <p>12 remember his last name, that had to go through.</p> <p>13 Arnie Hardman had to go back through. But they</p> <p>14 didn't require it of their sheriff's department</p> <p>15 officers, who were -- they didn't require the</p> <p>16 same of the guys who worked for the sheriff's</p> <p>17 department. So it kind of an inconsistency with</p> <p>18 Suffolk County that still was ongoing after I</p> <p>19 left. They never came up with a concrete answer</p> <p>20 on whether or not or why some people would be</p> <p>21 considered fine without any further information</p> <p>22 needed and why some officers would need more.</p> <p>23 Q You mean between the sheriff's 2:35:51PM</p> <p>24 department and people who were working in the</p> <p>25 village?</p> <p>TSG Reporting - Worldwide (877) 702-9580</p>

1 **EDWARD PARADISO**
2 A Right. 2:35:55PM
3 **Q Did you ever ask anyone that question? 2:35:55PM**
4 MR. NOVIKOFF: Objection. Form. 2:35:57PM
5 A The sheriff -- this wasn't in person. 2:36:00PM
6 This was what was related to me. The sheriff
7 said that his sheriffs didn't have to take a
8 polygraph, and that was it. They didn't have to
9 take a polygraph.
10 **Q How did you learn that was the case? 2:36:16PM**
11 A George had been handling the 2:36:20PM
12 conversations between our village and Civil
13 Service. And when the different sheriff
14 department guys came up, the sheriff said that
15 they don't have to have the polygraph done.
16 **Q But my question was how did you learn 2:36:37PM**
17 **about that.**
18 A George told me. 2:36:41PM
19 **Q And do you know where he learned it 2:36:43PM**
20 **from?**
21 A Civil Service. 2:36:46PM
22 **Q Do you know who in Civil Service told 2:36:47PM**
23 **him that?**
24 A I don't know. You have to ask him. 2:36:49PM
25 **Q Did you ever have any conversations 2:36:51PM**
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1 **EDWARD PARADISO**
2 A The village. George and Civil 2:37:41PM
3 Service.
4 **Q Did all of the officers who previously 2:37:43PM**
5 **were uncertified eventually become certified?**
6 MR. NOVIKOFF: Objection. 2:37:49PM
7 A I think John -- I forget his last 2:37:53PM
8 name. He failed the psych -- the psychology
9 test. He had worked for the state.
10 **Q Was it John Dyer? 2:38:06PM**
11 A It might have been him. And oh, what 2:38:07PM
12 was his name? One guy couldn't do the run. His
13 knee started bothering him while he was doing
14 the run, so he had to drop out. And the process
15 was still ongoing after I got hurt, so I don't
16 know how it finished.
17 **Q How about Pat Cherry, Sr.? 2:38:31PM**
18 A Pat Cherry, no. Pat Cherry ended up 2:38:33PM
19 having a heart attack, so he withdrew. He came
20 back as a dispatcher.
21 **Q Was he one of the officers who were 2:38:43PM**
22 **hired and worked as a police officer who were**
23 **not certified?**
24 A Yeah, he was a Nassau County detective 2:38:51PM
25 that retired.
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1 **EDWARD PARADISO**
2 **with Allison Chester or Allison Sanchez?**
3 A No. 2:36:55PM
4 **Q Do you know who that is? 2:36:56PM**
5 A No -- oh, I think, maybe. She's the 2:36:57PM
6 girl that works at Civil Service that George was
7 dealing with.
8 **Q Did you ever have any conversations 2:37:04PM**
9 **with her, if that's the person?**
10 A No. 2:37:07PM
11 **Q And you said that at that time George 2:37:07PM**
12 **handled the conversations between the village**
13 **and Civil Service. What time are you referring**
14 **to?**
15 A The time when their certifications 2:37:15PM
16 came into question. We got a new village clerk,
17 and she certified the payroll with Civil
18 Service. And four or five of the officers,
19 Civil Service popped up saying, listen, we don't
20 have this, we don't have this, we don't have
21 this. We need you to get these guys back
22 through the system again. They worked out a
23 deal between the village and Civil Service to
24 get it done.
25 **Q Who worked out that deal? 2:37:40PM**
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1 **EDWARD PARADISO**
2 **Q But he was one of the people who Civil 2:38:55PM**
3 **Service notified you that was uncertified to**
4 **work in Suffolk County as a police officer?**
5 A Right. 2:39:02PM
6 **Q Do you know whether he -- so he never 2:39:03PM**
7 **passed the test?**
8 A No. He ended up -- before he even got 2:39:05PM
9 started, he had a heart attack at his house.
10 **Q Are the radio codes different in 2:39:11PM**
11 **Suffolk County than they are in the city?**
12 A Yes. 2:39:15PM
13 **Q Do you think it was important for the 2:39:18PM**
14 **officers in Ocean Beach to know the radio codes?**
15 MR. NOVIKOFF: Objection. 2:39:22PM
16 A All the officers knew the radio codes. 2:39:23PM
17 **Q The Bosettis knew the radio codes? 2:39:29PM**
18 A Yeah. We had a card that had all the 2:39:31PM
19 radio codes on it.
20 **Q Do you know whether -- strike that. 2:39:36PM**
21 **Did Joe Nofi ever complain to you that 2:39:38PM**
22 **the Bosettis did not respond to a 10/1?**
23 A I don't recall that, no. 2:39:45PM
24 **Q Did you ever hear that -- 2:39:47PM**
25 A No. 2:39:48PM
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1 EDWARD PARADISO
2 **Q -- allegation? 2:39:48PM**
3 **How about Arnold Hardman, did you ever 2:39:51PM**
4 **hear any allegation that Nofi claimed that**
5 **Hardman did not respond to a 10/1?**
6 A I don't recall that either. 2:39:59PM
7 **Q Do you think it would be a threat to 2:40:02PM**
8 **public safety if the police officers in Ocean**
9 **Beach didn't know the radio codes?**
10 MR. NOVIKOFF: Objection. 2:40:09PM
11 A If the officers didn't know the radio 2:40:11PM
12 codes, they wouldn't be working for the police
13 department.
14 **Q What do you mean by that? 2:40:15PM**
15 A Well, they're given the codes. They 2:40:16PM
16 have to be able to talk on the radio as part of
17 the job. You know, it's not -- it's not a
18 difficult set of codes that you're talking
19 about.
20 **Q So if an officer admitted, let's say, 2:40:27PM**
21 **that he didn't know the radio codes, do you**
22 **believe that would've been a threat to public**
23 **safety?**
24 MR. NOVIKOFF: Objection. 2:40:34PM
25 A I wouldn't classify it as that. The 2:40:39PM
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1 EDWARD PARADISO
2 **Q We'll talk a little bit later about 2:41:36PM**
3 **something called the Halloween incident. But do**
4 **you know what I'm referring to when I say the**
5 **Halloween incident?**
6 A I believe so. 2:41:41PM
7 **Q That's the fight that happened at 2:41:42PM**
8 **Houser's on Halloween of 2004?**
9 A Yes. 2:41:46PM
10 **Q Isn't it true that after the Halloween 2:41:46PM**
11 **incident, that Tom Snyder complained to you that**
12 **the Bosettis did not know the radio codes?**
13 MR. NOVIKOFF: Objection. Leading. 2:41:54PM
14 A I don't recall that. 2:41:56PM
15 **Q You don't recall one way or the other? 2:41:57PM**
16 A I don't recall. 2:42:00PM
17 **Q Would it be a serious concern of yours 2:42:12PM**
18 **as chief of police if an officer did not respond**
19 **to a 10/1?**
20 A Yes. 2:42:19PM
21 MR. NOVIKOFF: Objection. 2:42:19PM
22 BY MR. GOODSTADT: 2:42:20PM
23 **Q What is a 10/1? 2:42:20PM**
24 A A 10/1 is officer needs help. 2:42:22PM
25 **Q Is that one of the most important 2:42:24PM**
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1 EDWARD PARADISO
2 guy needs to learn the radio codes. You don't
3 put him out on the street if he doesn't know the
4 codes.
5 **Q How come? 2:40:48PM**
6 A Because he wouldn't be able to 2:40:49PM
7 communicate with you on the radio.
8 **Q Would that cause a threat to public 2:40:52PM**
9 **safety?**
10 MR. NOVIKOFF: Objection. 2:40:55PM
11 A In an extreme circumstance, I'm sure 2:40:59PM
12 it could.
13 **Q Like, for example, if an officer 2:41:01PM**
14 **called out a 10/1?**
15 A Uh-huh. 2:41:06PM
16 **Q Yes? 2:41:06PM**
17 A Yes. Or if they got on the radio and 2:41:07PM
18 called a 10/13, because 10/13 didn't mean
19 anything in our -- 13, what was that? I don't
20 remember anymore. But a 10/13 in the city is
21 like a 10/1 for Ocean Beach, you know, in
22 Suffolk County. So if they would be on the
23 radio calling out the city codes, I wouldn't be
24 respond to them either. So it would behoove
25 them to learn the codes.
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1 EDWARD PARADISO
2 codes?
3 A I would think so, yes. 2:42:30PM
4 **Q Did you ever have a problem with the 2:42:42PM**
5 **Bosettis putting down on their time sheet an**
6 **extra half hour from the time they actually**
7 **arrived at the checkpoint as opposed to when**
8 **they actually started serving?**
9 MR. NOVIKOFF: Objection to form. 2:42:57PM
10 Foundation.
11 A I don't recall that they ever did 2:43:02PM
12 that.
13 **Q Did you ever put out a directive or a 2:43:07PM**
14 **memo that the officers' time sheets should**
15 **reflect the time that they actually started**
16 **working as opposed to the time they got to the**
17 **check-out point, or the check-in point, I should**
18 **say?**
19 MR. NOVIKOFF: Objection. Form. 2:43:24PM
20 A I don't recall if I ever wrote a memo 2:43:40PM
21 like that.
22 **Q Was there a certain rule as to when 2:43:42PM**
23 **your time started in terms of being paid?**
24 A Time started usually when you arrived 2:43:50PM
25 at the village. Sometimes what would happen in
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1 EDWARD PARADISO
2 the off season is guys would make their relief
3 point was at the checkpoint. So the guy going
4 off would drop one car off, and that guy would
5 come in with that car. When those situations
6 started, then their time would start when they
7 got into the car. When you have one guy driving
8 relief and four guys coming in, the time would
9 start when they arrived in the village. So it
10 would depend on the circumstance.
11 **Q Was there ever a problem with any of 2:44:25PM**
12 **the officers on their time cards putting in**
13 **before the time that you just testified to would**
14 **actually start the clock?**
15 MR. NOVIKOFF: Objection to form. I 2:44:35PM
16 don't understand it.
17 A I don't recall that. 2:44:40PM
18 **Q When you were the chief, were you the 2:44:51PM**
19 **person responsible for making sure that all the**
20 **officers had passed the required certifications?**
21 A Yes. 2:44:59PM
22 **Q And you delegated to George Hesse to 2:45:04PM**
23 **handle all the conversations with the village**
24 **and Civil Service Civil Service during that**
25 **period that you testified to before?**
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1 EDWARD PARADISO
2 **Q So when you say they gave you a year, 2:46:43PM**
3 **from when to when?**
4 A I guess from the mid to end summer of 2:46:46PM
5 2004 to about the same time in 2005.
6 **Q Who from the village office told you 2:46:56PM**
7 **about this irregularity?**
8 A I think it was Mary Ann. I forget her 2:47:01PM
9 last name.
10 **Q Mary Ann Minerva? 2:47:05PM**
11 A Yeah. Is it possible that she told 2:47:07PM
12 you about that in December of '03?
13 MR. NOVIKOFF: Objection. 2:47:13PM
14 A I don't think so. I think it was the 2:47:20PM
15 summer of '04.
16 **Q So to your knowledge, nothing was 2:47:23PM**
17 **being done in December of '03 to rectify the**
18 **problem?**
19 A I don't recall. Might have been. I 2:47:31PM
20 might have my years wrong.
21 **Q Is there anything that would refresh 2:47:40PM**
22 **your recollection about this issue?**
23 A I don't know. 2:47:42PM
24 **Q How about Alan Loeffler, was he one of 2:47:43PM**
25 **the officers who was not certified?**
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1 EDWARD PARADISO
2 A Yes. 2:45:14PM
3 **Q Did you get updates from George Hesse 2:45:14PM**
4 **on that issue?**
5 A Yes. 2:45:17PM
6 **Q When did you first learn that there 2:45:19PM**
7 **were issues with the certification of some of**
8 **your police officers?**
9 A I think it was the summer of 2004. 2:45:45PM
10 **Q How did you learn of it? 2:45:49PM**
11 A I got a call from the village office 2:45:51PM
12 that Suffolk County Civil Service said that
13 there were irregularities with several of the
14 officers, that they didn't go through all the
15 different aspects that the county was requiring.
16 So I think Joe Loeffler got involved. He spoke
17 with them, and he worked out -- because it
18 would've really severely impacted the amount of
19 officers we had working in the village if Civil
20 Service didn't give us some time to get
21 everybody through. So Civil Service said,
22 that's fine, we'll give you as much time as you
23 need, have the guys start the process and get
24 them all through. So they gave us the year to
25 get everybody through.
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1 EDWARD PARADISO
2 A Alan Loeffler. As far as I know, he 2:47:50PM
3 was certified.
4 **Q And who was Alan Loeffler? 2:48:01PM**
5 A Alan Loeffler? 2:48:04PM
6 **Q Yeah, is he -- 2:48:07PM**
7 A He was the son of the former chief. 2:48:08PM
8 He was working as a police officer when I
9 started there.
10 **Q Is he brother with the current mayor? 2:48:15PM**
11 A Yes. 2:48:18PM
12 MR. GOODSTADT: Can you mark that, 2:48:32PM
13 please.
14 (Whereupon, Bates document 235 was 2:48:34PM
15 marked as Plaintiff's Exhibit 6 for
16 identification, as of this date.)
17 BY MR. GOODSTADT: 2:49:05PM
18 **Q I believe you said that you received a 2:49:07PM**
19 **phone call from Minerva, is that correct, to**
20 **inform you of the irregularity that you**
21 **testified to?**
22 A I don't know if it was a phone call or 2:49:16PM
23 they called me into the office. I don't recall.
24 One way or the other.
25 **Q Did you ever receive anything in 2:49:21PM**
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1 **EDWARD PARADISO**
2 **writing from her with respect to that issue?**
3 A I don't recall. 2:49:31PM
4 **Q Do you know who Catherine Spies is? 2:49:32PM**
5 A Yeah. She was one of the girls that 2:49:35PM
6 worked in the office.
7 **Q Do you recall ever receiving anything 2:49:37PM**
8 **in writing from Ms. Spies about certain officers**
9 **not being certified?**
10 A I don't recall receiving -- I'm sure I 2:49:54PM
11 did, but I don't recall receiving something.
12 MR. NOVIKOFF: Paradiso 6. 2:50:02PM
13 MR. GOODSTADT: I've placed in front 2:50:10PM
14 of Mr. Paradiso what's been marked as
15 Paradiso 6. It's a one-page memo dated
16 April 18, 2005, bearing Bates Number 235.
17 (Handing.)
18 BY MR. GOODSTADT: 2:50:21PM
19 **Q Mr. Paradiso, do you recall receiving 2:50:22PM**
20 **this memo that's marked as Paradiso 6?**
21 A No. 2:50:43PM
22 MR. NOVIKOFF: Just also note for the 2:50:43PM
23 record, at least my copy looks like the
24 bottom paragraph --
25 THE WITNESS: That's how mine is also. 2:50:51PM
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1 **EDWARD PARADISO**
2 **in order to be certified to work as a police**
3 **officer in Ocean Beach, they need to pass the**
4 **polygraph, correct?**
5 A Unless you were a sheriff. 2:51:34PM
6 **Q I'm asking about -- were there ever 2:51:35PM**
7 **any sheriffs in Ocean Beach?**
8 A Yeah, I had sheriffs working for me as 2:51:39PM
9 police officers, but they weren't required to
10 take the polygraph.
11 MR. NOVIKOFF: I think the witness is 2:51:45PM
12 saying unless they were a sheriff in another
13 jurisdiction.
14 THE WITNESS: No, in Suffolk County. 2:51:49PM
15 BY MR. GOODSTADT: 2:51:51PM
16 **Q In Suffolk County, correct. So if you 2:51:51PM**
17 **were a sheriff in Suffolk County?**
18 A You could work for me as a police 2:51:53PM
19 officer, but you wouldn't have to take a
20 polygraph. The sheriffs weren't required.
21 **Q But they were working other police 2:51:58PM**
22 **jobs in Suffolk County, correct?**
23 A They were working as sheriffs, which 2:52:01PM
24 are police officers for Suffolk County Police.
25 **Q And who told you that, the whole 2:52:06PM**
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1 **EDWARD PARADISO**
2 MR. NOVIKOFF: -- is missing. 2:50:52PM
3 MR. GOODSTADT: That's how it was 2:50:53PM
4 produced to us.
5 MR. NOVIKOFF: I'm not suggesting 2:50:55PM
6 otherwise. I'm just saying on this exhibit
7 that it's missing.
8 BY MR. GOODSTADT: 2:50:57PM
9 **Q I just want to focus your attention 2:50:58PM**
10 **where it says Gary Bosetti and Richard Bosetti.**
11 **Do you see those two names? 2:51:03PM**
12 A Yes. 2:51:05PM
13 **Q And it says "needs polygraph." 2:51:05PM**
14 **Do you see that? 2:51:06PM**
15 A Uh-huh. 2:51:08PM
16 **Q Do you know what that means? 2:51:08PM**
17 A It means they need to take their 2:51:10PM
18 polygraphs.
19 **Q And that was one of the tests to be 2:51:13PM**
20 **certified in Suffolk County?**
21 A Yes. Unless you were a sheriff. 2:51:17PM
22 **Q How about on Ocean Beach, though? 2:51:19PM**
23 A Well, according to the county, that's 2:51:20PM
24 what they wanted them to get.
25 **Q Okay. So according to Civil Service, 2:51:25PM**
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1 **EDWARD PARADISO**
2 **sheriffs rule?**
3 A I -- I think George -- they had told 2:52:10PM
4 that to George, the sheriff. Or the guys
5 themselves said our union rep said we don't have
6 to take the polygraph. The sheriff said we
7 don't have to take it, and so we're not going to
8 take it. And Civil Service said okay.
9 **Q Do you know who at Civil Service said 2:52:24PM**
10 **okay?**
11 A No. 2:52:26PM
12 **Q Did you ever speak with anybody at 2:52:26PM**
13 **Civil Service who said okay?**
14 A No. 2:52:30PM
15 **Q Now, under the Bosettis, it says John 2:52:30PM**
16 **Bullis.**
17 **Do you see that? 2:52:36PM**
18 A Yes. 2:52:37PM
19 **Q Is that the John you were referring to 2:52:37PM**
20 **before?**
21 A No. 2:52:39PM
22 **Q John Bullis, it says "not approved - 2:52:41PM**
23 **resigned." Do you know what that means?**
24 A Yeah. He declined to take -- to 2:52:47PM
25 follow through with the process. He just
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1 EDWARD PARADISO
2 decided to quit.
3 **Q Are you related to Mr. Bullis? 2:52:57PM**
4 A He's my brother-in-law. 2:52:59PM
5 **Q So he's married to your sister? 2:53:03PM**
6 A No, I'm married to -- 2:53:07PM
7 **Q You're married to his sister? 2:53:08PM**
8 A I'm married to his wife's -- my wife 2:53:10PM
9 and his wife are sisters.
10 **Q Do you know why he resigned as opposed 2:53:16PM**
11 **to take the test?**
12 A He went off his diet and gained like 2:53:22PM
13 100 pounds.
14 **Q It says "John Dyer needs 2:53:27PM**
15 **polygraph/physical."**
16 **Do you see that? 2:53:31PM**
17 A Yes. 2:53:31PM
18 **Q Do you know whether he ever took his 2:53:32PM**
19 **polygraph or physical?**
20 A I don't know. I know that -- I don't 2:53:35PM
21 think he did. I think he -- he got a job -- he
22 was going to school to become a nurse. He got a
23 job full-time as a nurse, so he decided not to
24 come back.
25 **Q And you go down to Thomas Shore. 2:53:52PM**
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1 EDWARD PARADISO
2 A I think -- yeah, they had a problem 2:54:47PM
3 with him. They wanted him to go back through
4 also.
5 **Q Do you know why? 2:54:52PM**
6 A No. 2:54:53PM
7 **Q Is it because you didn't send the 2:54:53PM**
8 **proper paperwork to Civil Service?**
9 MR. NOVIKOFF: "You" being 2:54:59PM
10 Mr. Paradiso or "you" being the village?
11 MR. GOODSTADT: "You" being 2:55:02PM
12 Mr. Paradiso.
13 A I don't believe that's why. 2:55:05PM
14 **Q So if he testified that that was the 2:55:06PM**
15 **reason, he'd be lying?**
16 MR. NOVIKOFF: Objection. 2:55:10PM
17 A I don't -- I wouldn't call him a liar. 2:55:13PM
18 Maybe he's just got the facts wrong.
19 **Q So it wouldn't be truthful, that 2:55:19PM**
20 **statement?**
21 MR. NOVIKOFF: Objection. 2:55:22PM
22 A I wouldn't say it wouldn't be 2:55:23PM
23 truthful. I don't -- I don't see where the
24 problem is. It says that he's good here.
25 **Q You said they wanted him to go back 2:55:26PM**
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1 EDWARD PARADISO
2 **Do you see that? 2:53:53PM**
3 A Uh-huh. 2:53:54PM
4 **Q It says "needs physical." Do you know 2:53:54PM**
5 **whether he ever took the physical?**
6 A I think he did, yes. 2:53:59PM
7 **Q So he eventually passed -- 2:54:00PM**
8 A Yes. 2:54:02PM
9 **Q -- or was certified? 2:54:02PM**
10 A Uh-huh. 2:54:04PM
11 **Q Now, during the period that these 2:54:04PM**
12 **officers who are indicated that they were not**
13 **certified, they were being paid as police**
14 **officers up until the point that they were**
15 **certified; is that correct?**
16 A Yes. 2:54:15PM
17 **Q Do you know who Lonny Augenbaugh is? 2:54:33PM**
18 A Yes. 2:54:36PM
19 **Q Do you know whether he was certified? 2:54:37PM**
20 A Yes, he was. 2:54:39PM
21 **Q How about Tyree Bacon? 2:54:39PM**
22 A He's right here. It says "good." 2:54:42PM
23 **Q Do you know whether he ever had a 2:54:44PM**
24 **problem with his certification?**
25 MR. NOVIKOFF: Objection. 2:54:47PM
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1 EDWARD PARADISO
2 **through the test, right?**
3 A Yeah, because there was a break in 2:55:30PM
4 service.
5 **Q He testified, I represent to you, that 2:55:32PM**
6 **the reason why he had to go through the test**
7 **again was because you didn't forward the correct**
8 **paperwork on to Civil Service?**
9 A Oh. 2:55:41PM
10 **Q Do you recall that being the case? 2:55:42PM**
11 A I don't recall that being the case, 2:55:44PM
12 no.
13 **Q Do you recall ever discussing that 2:55:48PM**
14 **with him?**
15 A No. 2:55:50PM
16 **Q If you look down on the list, Arnold 2:55:55PM**
17 **Hardman. Do you see that? Strike that. You**
18 **don't have the list.**
19 **Do you know whether Arnold Hardman was 2:56:05PM**
20 **certified?**
21 A I don't know. 2:56:08PM
22 **Q So it never came to your attention 2:56:15PM**
23 **that Arnold Hardman never passed the polygraph?**
24 A I was out in -- at the end of 2005. 2:56:20PM
25 So he might have been scheduled past that point.
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1 EDWARD PARADISO
2 But after I went out, I didn't get any
3 information from the police department about
4 anything that was going on.
5 **Q Did Arnold Hardman ever work under you 2:56:33PM**
6 **as a police officer?**
7 A Yes. 2:56:38PM
8 MR. NOVIKOFF: When you say -- in 2:56:38PM
9 theory.
10 MR. GOODSTADT: In his department. 2:56:41PM
11 MR. NOVIKOFF: Are you saying work on 2:56:42PM
12 his tour or within his department?
13 MR. GOODSTADT: Within the department. 2:56:45PM
14 A Yes. 2:56:46PM
15 **Q Did he ever work under you on your 2:56:46PM**
16 **tour?**
17 A There might have been some night tours 2:56:49PM
18 when I was working and he was working.
19 **Q Did you work any night tours in '05? 2:56:54PM**
20 A I would work nights if George took, 2:56:57PM
21 like, time off.
22 **Q Like vacation or something? 2:57:01PM**
23 A Yeah. 2:57:02PM
24 **Q Do you know who Eric Onderdonk is? 2:57:08PM**
25 A Eric Onderdonk. Yeah. 2:57:12PM
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1 EDWARD PARADISO
2 **Q Do you know whether he was certified? 2:57:16PM**
3 A Yeah. 2:57:18PM
4 **Q Did he have a break in service? 2:57:19PM**
5 A Eric Onderdonk? 2:57:20PM
6 **Q Yes. 2:57:21PM**
7 A No. He left to become an Amityville 2:57:21PM
8 PD police officer.
9 **Q Do you know who Daniel Shook is? 2:57:26PM**
10 A Dan was the one that hurt his leg 2:57:29PM
11 while he was running the physical. So he pulled
12 out of the process.
13 **Q Did he ever work as a police officer 2:57:38PM**
14 **in Ocean Beach?**
15 A Prior to being requested to go back 2:57:41PM
16 through, yes.
17 **Q Paid as a police officer? 2:57:44PM**
18 A Yes. 2:57:45PM
19 **Q How about William Walsh, do you know 2:57:47PM**
20 **who that is?**
21 A Yes. 2:57:50PM
22 **Q Who is William Walsh? 2:57:50PM**
23 A He worked for me as a police officer. 2:57:52PM
24 He's a retired city sergeant.
25 **Q Do you know whether he ever took any 2:57:56PM**
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1 EDWARD PARADISO
2 **of the exams needed to be certified as a police**
3 **officer?**
4 A I don't know. 2:58:01PM
5 **Q Sitting here today, do you know 2:58:14PM**
6 **whether it was a violation of Civil Service law**
7 **for those officers who hadn't passed the test to**
8 **be working as a police officer and paid as a**
9 **police officer?**
10 MR. NOVIKOFF: Objection to form. 2:58:23PM
11 A I don't know. 2:58:38PM
12 MR. GOODSTADT: Just mark that. 2:58:55PM
13 (Whereupon, Bates document P 542 was 2:58:56PM
14 marked as Plaintiff's Exhibit 7 for
15 identification, as of this date.)
16 MR. NOVIKOFF: This is Number 7? 2:59:19PM
17 MR. GOODSTADT: Yes. 2:59:20PM
18 I've placed in front of Mr. Paradiso 2:59:23PM
19 what's been marked as Paradiso 7. It's a
20 one-page memo dated March 31, 2005, bearing
21 Bates Number P 542. (Handing.)
22 BY MR. GOODSTADT: 2:59:34PM
23 **Q Mr. Paradiso, do you recall receiving 2:59:34PM**
24 **this memorandum marked as Paradiso 7?**
25 A No. 3:00:03PM
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1 EDWARD PARADISO
2 **Q So if you look down at the text, the 3:00:06PM**
3 **second line down, it says, "I'm hoping that this**
4 **season will be a much smoother one with regard**
5 **to new hires and returnees and regard to**
6 **qualifications required by Suffolk County Civil**
7 **Service."**
8 **Do you see that? 3:00:20PM**
9 A Uh-huh. Yes. 3:00:22PM
10 **Q Do you have any idea what that's 3:00:23PM**
11 **referring to?**
12 A Well, the same thing that this is 3:00:25PM
13 referring to.
14 MR. NOVIKOFF: Let the record reflect 3:00:28PM
15 the witness is pointing, I think, to
16 Paradiso Number 6.
17 Is that correct? 3:00:33PM
18 THE WITNESS: Yes. 3:00:34PM
19 BY MR. GOODSTADT: 3:00:38PM
20 **Q So that's referring to the officers 3:00:38PM**
21 **that weren't certified?**
22 A Right. That's what I said. In 2004 3:00:40PM
23 it came to light, and they were giving us time
24 to get everybody through the process. Here in
25 April, the majority of the guys had gone through
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1 EDWARD PARADISO
2 the process, and they were just working out the
3 polygraphs.
4 **Q And did you -- strike that. 3:00:54PM**
5 **Did you ever have anything in writing 3:00:58PM**
6 **that said Suffolk County was giving you the time**
7 **to work this out?**
8 A No. 3:01:04PM
9 **Q Then how did you learn that Suffolk 3:01:04PM**
10 **County was giving you this time?**
11 A I guess the different conversations 3:01:08PM
12 with George and the village office.
13 **Q Who in the village office? 3:01:11PM**
14 A I guess Kathy or Mary Ann. 3:01:15PM
15 **Q Do you actually recall any 3:01:17PM**
16 **conversations with either of them with respect**
17 **to this issue?**
18 A Nothing specific. It was kind of like 3:01:50PM
19 a process that everybody was involved in trying
20 to get through. So we would have, you know,
21 anything new happening? No, not yet. Or, who's
22 scheduled? We have dates for these guys to go
23 through this or that. You know, I would get my
24 information from George and, you know, so -- it
25 was a process. The village board was aware of
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1 EDWARD PARADISO
2 MR. NOVIKOFF: The issue being having 3:03:21PM
3 time to fix the issue?
4 MR. GOODSTADT: Anything at all about 3:03:25PM
5 this issue.
6 MR. NOVIKOFF: That wasn't the 3:03:26PM
7 question. Okay.
8 BY MR. GOODSTADT: 3:03:27PM
9 **Q I asked did you ever speak with 3:03:27PM**
10 **anybody at Civil Service with respect to this**
11 **issue of certified officers, anything at all**
12 **about the issue.**
13 A No. 3:03:35PM
14 **Q Did you get a copy of the 3:03:39PM**
15 **pre-polygraph questionnaire for officers prior**
16 **to their taking the polygraph?**
17 A Which one? 3:04:02PM
18 **Q What do you mean, which one? 3:04:03PM**
19 A The one that the county would normally 3:04:06PM
20 give or the one George developed.
21 **Q Either one. Let's start with the one 3:04:11PM**
22 **the county normally gives.**
23 A No, I never saw a copy of that. 3:04:15PM
24 **Q How about the one that George 3:04:19PM**
25 **developed?**
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1 EDWARD PARADISO
2 it. Everybody was aware of what was going on.
3 **Q How do you know the board was aware of 3:02:17PM**
4 **it?**
5 A Because I would have conversations 3:02:19PM
6 with Joe Loeffler. They had discussions with it
7 at board meetings.
8 **Q Board meetings that you were at? 3:02:29PM**
9 A Yeah. 3:02:31PM
10 **Q In open session or executive session? 3:02:31PM**
11 A It was probably in executive session. 3:02:41PM
12 **Q Were you in executive sessions? 3:02:43PM**
13 A I would be. 3:02:45PM
14 **Q In all the executive sessions? 3:02:46PM**
15 A Not all of them, no. 3:02:47PM
16 MR. GOODSTADT: Let me mark the record 3:02:58PM
17 to request the production of any minutes of
18 any meetings or sessions in which this issue
19 was discussed at board meetings because I
20 don't think we have any.
21 MR. NOVIKOFF: Taken under advisement. 3:03:09PM
22 BY MR. GOODSTADT: 3:03:14PM
23 **Q Did you ever speak with anybody at 3:03:14PM**
24 **Civil Service with respect to this issue?**
25 A No. 3:03:18PM
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1 EDWARD PARADISO
2 A I don't think so. 3:04:32PM
3 **Q Why did George develop a pre-polygraph 3:04:39PM**
4 **questionnaire?**
5 A It -- over time, it got more and more 3:04:46PM
6 difficult to get guys into the seasonal police
7 academy. It would seem -- I think when Frank
8 went through, there were only nine of you that
9 got into that class, when 10 or 12 or 15 years
10 ago there would be 70 or 80 in a seasonal police
11 officer class. And it almost seemed like the
12 county was trying to do away with the seasonal
13 police officer program because they were making
14 it more increasingly difficult to get officers
15 through.
16 So I think -- I think George worked on 3:05:33PM
17 a questionnaire and submitted it and got it
18 approved through -- Suffolk County Police said,
19 okay, we'll use this one. And they used that,
20 and George sat in on the questioning for the
21 polygraph.
22 **Q When you said before that it was more 3:06:00PM**
23 **difficult to get in the program or they were**
24 **trying to do away with the program, was that**
25 **your opinion?**
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1 **EDWARD PARADISO**
2 A That was just my opinion. It 3:06:09PM
3 wasn't -- that's just how it seemed.
4 **Q And when you said that George got the 3:06:15PM**
5 **pre-polygraph questionnaire approved, who did he**
6 **get it approved by?**
7 A I think by the Suffolk County Police 3:06:22PM
8 academy unit that was handling the polygraph
9 section.
10 **Q How do you know that he got it 3:06:29PM**
11 **approved? Did you ever see the approval?**
12 A No. He told me. I think he told me 3:06:33PM
13 he got it approved or they were using an
14 approved -- one or the other.
15 **Q So George would administer the 3:06:42PM**
16 **pre-polygraph questionnaire?**
17 A He didn't administer. They had their 3:06:46PM
18 own -- the county provided the polygraph
19 administration, you know. It's a -- you know,
20 the process was very new, and it only really
21 came into effect as I was leaving. So I never
22 really got to sit through or observe any of it
23 because by the time they really started getting
24 all the polygraphs done, I was already out of
25 there.
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1 **EDWARD PARADISO**
2 A Okay. I never received this letter. 3:08:51PM
3 I was out on disability as of September 26th,
4 2005.
5 **Q Okay. So this letter that was to you, 3:08:56PM**
6 **you don't recall ever receiving it?**
7 A Never received it. 3:09:01PM
8 **Q Did you ever hear of the issue that 3:09:02PM**
9 **Alan Loeffler did not successfully complete the**
10 **basic course for police officers?**
11 A I had heard reference of it. I don't 3:09:05PM
12 remember from who. But I was out of the loop
13 when it was coming to what was going on with the
14 police department at that point. So it never
15 really came under anything that I had to concern
16 myself about.
17 **Q Did you ever hear how this was 3:09:25PM**
18 **resolved?**
19 A No. 3:09:27PM
20 **Q Do you know if Alan Loeffler still 3:09:28PM**
21 **works at the department as a police officer?**
22 A No. 3:09:37PM
23 **Q Did you ever speak with Alan Loeffler 3:09:37PM**
24 **about this issue?**
25 A No. 3:09:38PM
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1 **EDWARD PARADISO**
2 **Q Didn't you say as of the summer of 3:07:12PM**
3 **'04, you knew they had to take the polygraphs?**
4 A They had to do everything. So there 3:07:18PM
5 was this process. So they had to get through
6 the physical, the psychological, their agility
7 test and then do the polygraph. The polygraph
8 was the last section of the tests.
9 **Q So when you say the polygraph was a 3:07:27PM**
10 **new process, when did that become a requirement?**
11 A I think they added the polygraph in, 3:07:37PM
12 like, 2000.
13 **Q So when you say new, within five years 3:07:42PM**
14 **is considered new?**
15 A Yeah. 3:07:48PM
16 MR. GOODSTADT: Mark that. 3:08:05PM
17 (Whereupon, Bates document 5773 was 3:08:06PM
18 marked as Plaintiff's Exhibit 8 for
19 identification, as of this date.)
20 MR. GOODSTADT: I've placed in front 3:08:34PM
21 of Mr. Paradiso what's been marked as
22 Paradiso 8. It's a one-page letter dated
23 October 30, 2005, and it bears Bates
24 Number 5773. (Handing.)
25
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1 **EDWARD PARADISO**
2 **Q When was the last time you spoke with 3:09:39PM**
3 **Alan Loeffler?**
4 A I ran into him buying furniture about 3:09:42PM
5 three weeks ago.
6 **Q And how about before that? 3:09:46PM**
7 A I think he came to my father's funeral 3:09:50PM
8 in 2006.
9 **Q Do you know whether he was employed as 3:09:55PM**
10 **a police officer at that time?**
11 A I don't know. I don't believe so, 3:09:59PM
12 because he retired.
13 **Q Do you know when he retired? 3:10:05PM**
14 A I'm not certain. 3:10:08PM
15 **Q Do you know why he retired? 3:10:09PM**
16 A He retired from his town job; and he 3:10:10PM
17 had enough time on as a police officer, so he
18 retired. Once you retire from one, you can't
19 keep working. I guess he wanted to retire from
20 everything at once, so he just retired from
21 everything.
22 **Q If you look at the handwriting on the 3:10:30PM**
23 **bottom left there, do you recognize that**
24 **handwriting?**
25 MR. NOVIKOFF: Objection to form. 3:10:35PM
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1 EDWARD PARADISO
2 A I don't recognize anybody's 3:10:40PM
3 handwriting.
4 **Q You don't remember, okay. 3:10:43PM**
5 **How many years did Alan Loeffler work 3:10:52PM**
6 **as a police officer?**
7 A One second. I'm just reading it. 3:10:55PM
8 Which is interesting, because if you 3:11:07PM
9 look back here at Number 6, his name is down as
10 good.
11 **Q Okay. 3:11:14PM**
12 A So how does that happen? Suffolk 3:11:15PM
13 County Civil Service had him down as good. New
14 York State is saying they can't find it. What
15 do we do with that?
16 **Q Do you know whether Suffolk County 3:11:28PM**
17 **Civil Service ever chimed in on this issue?**
18 A No idea. They listed him as good on 3:11:32PM
19 this letter.
20 MR. GOODSTADT: Can you mark that, 3:11:41PM
21 please.
22 (Whereupon, Bates document 5769 was 3:11:43PM
23 marked as Plaintiff's Exhibit 9 for
24 identification, as of this date.)
25 MR. NOVIKOFF: It's a mystery to me. 3:11:45PM
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1 EDWARD PARADISO
2 **Q Luckily, I don't have to answer 3:13:04PM**
3 **questions today. I don't have the answer to the**
4 **question.**
5 A So they recanted his good on Number 6. 3:13:12PM
6 **Q Well, I don't know. I'm asking if 3:13:17PM**
7 **you've ever seen this letter. If you haven't,**
8 **you haven't.**
9 A No. 3:13:22PM
10 How do we know that any of the goods 3:13:23PM
11 on this letter are good if they can send you a
12 letter a year later and they they're not good.
13 MR. NOVIKOFF: It's not a year later. 3:13:31PM
14 THE WITNESS: It's five months later. 3:13:34PM
15 MR. NOVIKOFF: Yeah. 3:13:35PM
16 BY MR. GOODSTADT: 3:13:36PM
17 **Q Do you know how Civil Service became 3:13:37PM**
18 **aware of this issue that there were certain**
19 **officers working at the Ocean Beach Police**
20 **Department who were not certified to work in**
21 **Suffolk County?**
22 MR. NOVIKOFF: Objection to form. 3:13:47PM
23 A I believe I thought it was Mary Ann 3:13:48PM
24 Minerva went to certify the payroll.
25 **Q Did you ever hear anyone allege that 3:13:54PM**
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1 EDWARD PARADISO
2 MR. GOODSTADT: What was that? 3:11:50PM
3 MR. NOVIKOFF: I said it was a mystery 3:11:51PM
4 to me.
5 Number 9? 3:12:11PM
6 MR. GOODSTADT: Yes. 3:12:12PM
7 A I never received this letter either. 3:12:13PM
8 MR. GOODSTADT: Let me just introduce 3:12:16PM
9 it first.
10 I placed in front of Mr. Paradiso 3:12:17PM
11 what's now been marked as Paradiso 9. It's
12 a one-page letter dated October 6th, 2005,
13 bearing Bates Number 5769.
14 BY MR. GOODSTADT: 3:12:32PM
15 **Q Mr. Paradiso, did you ever receive 3:12:33PM**
16 **this letter?**
17 A No, sir. 3:12:36PM
18 **Q Have you ever seen this letter? 3:12:36PM**
19 A No. It says here he's no longer 3:12:38PM
20 employed by the village.
21 **Q Where are you referring to? 3:12:48PM**
22 A It says here at the bottom, "It is our 3:12:49PM
23 understanding that Mr. Loeffler is no longer
24 employed by the village."
25 Did they ever submit the CS-150? 3:12:57PM
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1 EDWARD PARADISO
2 **it was Tom Snyder who went to Civil Service to**
3 **alert them to that fact?**
4 MR. NOVIKOFF: Did he ever hear it on 3:14:02PM
5 a ledge?
6 MR. GOODSTADT: Did he hear it 3:14:04PM
7 alleged.
8 BY MR. GOODSTADT: 3:14:05PM
9 **Q Have you ever heard the allegation 3:14:05PM**
10 **that Tom Snyder was the one who went to Civil**
11 **Service to let them know about this issue of**
12 **uncertified officers working at Ocean Beach?**
13 A I remember -- I remember that. They 3:14:18PM
14 did say that you did that, Tommy, but there was
15 no proof that I could see. It was kind of like
16 a rumor.
17 **Q Who said that? 3:14:29PM**
18 A I don't know. It was just a -- you 3:14:29PM
19 know. There would be, like, a talk. You know,
20 you'd walk past and hear a conversation or
21 something. It wasn't anybody that came up to me
22 and said, you know, Tommy Snyder called Civil
23 Service. It wasn't like that. I mean, what
24 would he have to gain by calling Civil Service?
25 **Q My question was who did you learn that 3:14:54PM**
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1 **EDWARD PARADISO**
2 **from.**
3 A I don't know. It was just something 3:14:57PM
4 that you'd hear. I don't know who.
5 **Q You don't know who you heard it from? 3:15:01PM**
6 A No. 3:15:03PM
7 **Q Did you ever hear George Hesse make 3:15:03PM**
8 **that statement?**
9 A No. 3:15:06PM
10 **Q Did you ever hear Gary Bosetti make 3:15:07PM**
11 **that statement?**
12 A I just said I don't know who I heard 3:15:10PM
13 it from.
14 **Q Did you ever hear anyone call Tom 3:15:12PM**
15 **Snyder a Civil Service rat?**
16 A No. 3:15:18PM
17 **Q Did you ever hear anyone call Kevin 3:15:18PM**
18 **Lamm a Civil Service rat?**
19 A No. 3:15:22PM
20 **Q Did you ever hear that same rumor 3:15:23PM**
21 **about Kevin Lamm, that he alerted Civil Service**
22 **to this issue?**
23 A No. 3:15:30PM
24 **Q Did you ever hear anyone call Tom 3:15:32PM**
25 **Snyder a rat, ever?**
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1 **EDWARD PARADISO**
2 **to Joe Nofi as a rat?**
3 A No. 3:16:25PM
4 **Q Did there come a point time where 3:16:33PM**
5 **George Hesse had taken over the background**
6 **investigations for the officers at Ocean Beach?**
7 A Uh-huh. 3:16:41PM
8 **Q When was that? 3:16:42PM**
9 A When he came -- when he became 3:16:52PM
10 sergeant. He started the process. What we were
11 doing is Suffolk County Police Department, their
12 applicant investigation unit did all of our
13 background investigations for years and years
14 and years. Then it got to the point where I'd
15 give them 15 names, and none of them would get
16 through the background investigation. And these
17 were guys that were in the military, Coast Guard
18 guys, just out the military, MPs, clean
19 backgrounds, and for whatever the reason, I
20 couldn't get anybody into the police academy.
21 So at that point, we had to find a different
22 place to find police officers. So we went to
23 the retired pool as they were just retiring from
24 different jobs.
25 **Q But my question was, when did George 3:17:53PM**
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1 **EDWARD PARADISO**
2 A No. 3:15:40PM
3 **Q Did you ever see anybody refer to Tom 3:15:42PM**
4 **Snyder as a rat in writing as opposed to hearing**
5 **it?**
6 MR. NOVIKOFF: Objection. 3:15:48PM
7 A No. 3:15:52PM
8 **Q Did you ever hear or see anyone refer 3:15:52PM**
9 **to Frank Fiorillo as a rat?**
10 A No. 3:15:56PM
11 **Q Did you ever or see anyone refer to 3:15:56PM**
12 **Kevin Lamm as a rat?**
13 A You just asked me that. 3:16:01PM
14 **Q I think I asked Snyder. 3:16:03PM**
15 MR. NOVIKOFF: I thought it was Lamm. 3:16:06PM
16 I didn't feel like objecting to it.
17 MR. GOODSTADT: I think I asked 3:16:09PM
18 Snyder.
19 A No. 3:16:12PM
20 **Q No to Kevin Lamm? 3:16:12PM**
21 A No to Kevin Lamm. 3:16:14PM
22 **Q How about Ed Carter, did you ever hear 3:16:15PM**
23 **or see anyone refer to him as a rat?**
24 A No. 3:16:20PM
25 **Q Did you ever hear or see anyone refer 3:16:20PM**
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1 **EDWARD PARADISO**
2 **Hesse take over the role as doing the background**
3 **investigations as opposed to Suffolk County?**
4 A Had to be maybe 2002. 3:18:04PM
5 **Q Who gave him that authority? 3:18:25PM**
6 A I did. 3:18:26PM
7 **Q Did you report that to Suffolk County? 3:18:27PM**
8 A I didn't have to report it to Suffolk 3:18:31PM
9 County.
10 **Q Did you report it to Suffolk County 3:18:33PM**
11 **though?**
12 A No. 3:18:35PM
13 **Q Why did you -- strike that. 3:18:38PM**
14 **After 2002, did Suffolk County do any 3:18:41PM**
15 **of your background checks?**
16 A No. 3:18:44PM
17 **Q Why did you no longer use Suffolk 3:18:44PM**
18 **County?**
19 A I couldn't get anybody through. It 3:18:47PM
20 seemed like there was a concerted effort not to
21 have seasonal police officers.
22 **Q So you did it to end round Suffolk 3:18:53PM**
23 **County so you would get people through?**
24 MR. NOVIKOFF: Objection. 3:18:59PM
25 A I didn't do end round anybody. We 3:19:00PM
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1 EDWARD PARADISO
2 didn't end round anybody. We did a complete,
3 thorough background investigation. Used the
4 same resources that the Suffolk County Police
5 did. Sent the fingerprints off. Did checks of
6 former employees. You know, everything that was
7 needed to be done to get a pool of names we did.
8 **Q Do you know whether George Hesse 3:19:23PM**
9 **received any training with respect to doing**
10 **background checks?**
11 A I don't know if he took any classes or 3:19:50PM
12 not. I don't recall.
13 **Q Did you review all the background 3:19:55PM**
14 **checks that he did?**
15 A Yes. 3:19:58PM
16 **Q How many background checks did he do 3:20:07PM**
17 **between 2002 and 2005, approximately?**
18 A I don't know. 3:20:15PM
19 **Q Did you ever receive any training in 3:20:15PM**
20 **doing background checks?**
21 A From Joe Loeffler, Sr. 3:20:18PM
22 **Q On-the-job training? 3:20:21PM**
23 A Uh-huh. Yes. 3:20:22PM
24 **Q What year was that? 3:20:24PM**
25 A Started in 1983. 3:20:27PM
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1 EDWARD PARADISO
2 did. It seemed thorough.
3 **Q Did you ever prepare any performance 3:22:14PM**
4 **evaluations for police officers at Ocean Beach?**
5 A No. 3:22:18PM
6 **Q Did you ever receive a handbook, Ocean 3:22:21PM**
7 **Beach handbook, employee handbook?**
8 A Yes. 3:22:30PM
9 **Q Did you ever distribute a handbook to 3:22:30PM**
10 **any of your officers?**
11 A The employee handbooks that the 3:22:34PM
12 village handed out were only for full-time
13 employees.
14 **Q So did all of your full-time employees 3:22:41PM**
15 **receive the handbook?**
16 A There was something that was given by 3:22:44PM
17 the village. The village gave that to full-time
18 employees. The village office would hand them
19 out.
20 **Q Do you know whether it's -- strike 3:22:56PM**
21 **that.**
22 **How do you know it was only for 3:22:59PM**
23 **full-time officers? Who told you that?**
24 A The village only gave it to full-time 3:23:03PM
25 employees.
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1 EDWARD PARADISO
2 **Q Your training of background checks 3:20:30PM**
3 **started in 1983?**
4 A Yes. 3:20:34PM
5 **Q How long did that training last? Just 3:20:34PM**
6 **on background checks.**
7 A Well, it was an ongoing process that I 3:20:43PM
8 would do with him until he retired.
9 **Q Was Suffolk County doing the 3:20:48PM**
10 **background checks at that time?**
11 A No. 3:20:51PM
12 **Q So Joe Loeffler, Sr. was doing them 3:20:51PM**
13 **with you?**
14 A Yes. 3:20:54PM
15 **Q Did you train Hesse? 3:20:57PM**
16 A It wasn't like I sat down one day and 3:21:21PM
17 said, okay, today's your day to learn to do
18 background investigations.
19 **Q So is that you didn't train him? 3:21:37PM**
20 A I don't know how to answer the 3:21:40PM
21 question.
22 **Q Do you have anything that would 3:21:50PM**
23 **demonstrate that you did train him or that he**
24 **was trained at all?**
25 A I reviewed his -- the work that he 3:21:55PM
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1 EDWARD PARADISO
2 **Q Did anyone ever tell you that it only 3:23:07PM**
3 **applies to full-time officers?**
4 MR. NOVIKOFF: Objection. That's not 3:23:12PM
5 what he testified to.
6 MR. GOODSTADT: That's what I asked 3:23:15PM
7 him, did anyone ever tell you that it only
8 applied to full-time employees.
9 A I took it for granted, since they only 3:23:17PM
10 gave me the -- it wasn't my book to give out.
11 It was the village's book.
12 MR. NOVIKOFF: It sounds like you're 3:23:23PM
13 attacking the witness.
14 MR. GOODSTADT: I don't need that kind 3:23:26PM
15 of comment. That is wholly improper.
16 MR. NOVIKOFF: What is? 3:23:32PM
17 MR. GOODSTADT: To say that I'm 3:23:33PM
18 attacking the witness.
19 MR. NOVIKOFF: Well, it sounds like 3:23:33PM
20 it.
21 MR. GOODSTADT: It doesn't matter what 3:23:35PM
22 it sounds like. It's wholly improper for
23 you say on the record that I'm attacking a
24 witness, when A, there's no evidence of it,
25 and B, I'm asking him questions and he's
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1 EDWARD PARADISO
 2 answering questions. For you to classify
 3 what I've done as attacking is wholly
 4 legally improper, and you know it's wrong.
 5 You know it's wrong.
 6 MR. NOVIKOFF: I don't think it is. 3:23:51PM
 7 MR. GOODSTADT: We'll bring it to the 3:23:52PM
 8 judge and see. Completely improper and not
 9 true.
 10 Can I see the question that 3:24:02PM
 11 Mr. Novikoff improperly interrupted?
 12 (Whereupon, the referred to portion 3:24:15PM
 13 was read back by the court reporter: Did
 14 anyone ever tell you that it only applies to
 15 full-time officers?)
 16 BY MR. GOODSTADT: 3:24:15PM
 17 **Q Did anyone ever tell you that it 3:24:16PM**
 18 **applied only to the full-time employees?**
 19 MR. NOVIKOFF: Objection to form. 3:24:22PM
 20 A I believe inside the book it stated 3:24:23PM
 21 that it only applied to people who worked in
 22 excess of 1,500 hours a year. I forget what
 23 page that might be on; but if you have a copy of
 24 the book, I could probably find it for you.
 25 **Q Did you ever complete performance 3:24:47PM**
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1 EDWARD PARADISO
 2 board meeting.
 3 **Q Did you ever instruct police officers 3:25:52PM**
 4 **to write more summonses?**
 5 A I told them to enforce the laws. I 3:25:56PM
 6 left the discretion up to the police officers.
 7 They have to do the job.
 8 **Q Did you ever have any directives with 3:26:10PM**
 9 **respect to that, written directives?**
 10 A I would put up how many people wrote 3:26:21PM
 11 summonses sometimes. I put up a list of who
 12 wrote summonses, and there would be some that
 13 were clearly able to write a lot of summonses
 14 and some guys who weren't writing any summonses
 15 at all. And I didn't come down on the guys who
 16 weren't writing summonses because I didn't want
 17 to -- you shouldn't set quotas as a police
 18 officer and you shouldn't set quotas as a
 19 requirement of your employment. You have to
 20 have enough faith in the officers that are doing
 21 the job that they're doing it with the best
 22 intentions in mind. If an officer seems to feel
 23 that people can learn from a warning instead of
 24 a summons and they issued warnings, I found -- I
 25 had to trust the officers that I had working for
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1 EDWARD PARADISO
 2 **evaluations for any of the your full-time**
 3 **officers?**
 4 A No. 3:24:53PM
 5 **Q Was it a requirement to perform 3:24:54PM**
 6 **performance evaluations for full-time employees?**
 7 A No. 3:25:00PM
 8 **Q I believe you testified before that 3:25:03PM**
 9 **at -- at board meetings, I think you said**
 10 **homeowners association meetings that you were --**
 11 **that the complaint was there weren't enough**
 12 **summonses being issued on the beach; is that**
 13 **correct?**
 14 A Enforcement. There wasn't enough 3:25:20PM
 15 enforcement.
 16 **Q Enforcement. Was there ever a 3:25:23PM**
 17 **complaint that there weren't enough summonses**
 18 **being written?**
 19 A Yeah. Yes. 3:25:30PM
 20 **Q By who? 3:25:31PM**
 21 A It would be -- it would be a consensus 3:25:33PM
 22 of the group. They looked at enforcement as how
 23 many summonses would be issued. There were
 24 years that I would have to give exactly how many
 25 summonses were issued weekly to the board at a
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1 EDWARD PARADISO
 2 me that they were going to do the job and get it
 3 done. When officers write summonses, they had
 4 to make sure that they were writing summonses
 5 that were enforceable and for proper reasons.
 6 So even though a lot of people were complaining
 7 that we weren't writing enough summonses, I felt
 8 that we were adequately enforcing the law as a
 9 village, and that I tried to tell them over and
 10 over again, them being the board and the public
 11 in general, that if I'm issuing 500 summonses
 12 for people riding bicycles, obviously we're not
 13 getting the point across that you shouldn't be
 14 riding bicycles. We're writing a lot of
 15 summonses. Showing a lot of summonses doesn't
 16 mean that enforcement is any better or that
 17 compliance is getting increased. What I was
 18 trying to do is get the word out to people so
 19 they wouldn't get summonses, that they would
 20 follow the law instead. I didn't look at the
 21 summonses as the end all, be all on how well the
 22 officers were doing their jobs or how well we
 23 were providing the services to the village.
 24 There were some people that were always going to
 25 want to see summonses written; and no matter if
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1 EDWARD PARADISO
2 we wrote a thousand summonses, they still would
3 say that you're not doing enough.
4 So it's part of the job of the chief 3:28:40PM
5 of police or the head of the department to,
6 bottom line, make sure that the job is getting
7 done and that you're not running a police state.
8 You're running a police department in a resort
9 community, where people feel the biggest crime
10 is when you have a soda on the beach. And you
11 have to temper that with, you know, the realism
12 that, you know, people come to enjoy themselves,
13 and it's not out of character for a little kid
14 to pull a cookie out of their pocket and start
15 chewing on it. And some of the laws that people
16 would want enforced were very difficult for some
17 officers, and we tried to do our best.
18 **Q What was the purpose of putting on the 3:29:30PM**
19 **board the amount of summonses that officers**
20 **write?**
21 A Because there was such a glaring 3:29:35PM
22 discrepancy with some of the officers that had
23 two summonses for the entire summer and other
24 officers had 300, you know. And I was trying to
25 just like inspire the guys that weren't writing
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1 EDWARD PARADISO
2 police work, and the summonses weren't their
3 main focus. So it wasn't like they weren't
4 doing their jobs. It was more or less like they
5 spent more time doing other aspects of their
6 jobs. I was just trying to get them to throw in
7 a few more summonses too.
8 **Q Did you ever write any summons on the 3:31:16PM**
9 **beach?**
10 A I wrote summonses all the time. 3:31:20PM
11 **Q I believe you testified before that if 3:31:25PM**
12 **you wanted the beach to be patrolled and**
13 **enforced, you'd send Frank Fiorillo out there?**
14 A Yes. 3:31:35PM
15 **Q He was a bulldog; is that what you 3:31:35PM**
16 **called him?**
17 A He was a machine. Frank was a 3:31:39PM
18 diligent worker. Frank would -- if I said,
19 Frank, we're going to concentrate on balls and
20 Frisbees today, he would come back with a
21 handful of summonses for people playing ball.
22 He wouldn't be out there saying, hey, throw me a
23 ball, I'm going to write you a summons. But he
24 would also warn people, listen, can't -- he
25 would go down the beach and warn everybody; and
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1 EDWARD PARADISO
2 any that you can't let everybody go, you can't
3 be everybody's best friend. You're a police
4 officer. You can't everybody that's speeding go
5 with a warning. You have to write summonses
6 from time to time or they're going to just know
7 that they can get over on you all the time too.
8 So I was trying to inspire the guys that weren't
9 writing a lot of summonses to try to write a few
10 more.
11 **Q So the guys that were writing like two 3:30:10PM**
12 **summons a year, did you believe that they had an**
13 **effective enforcement for those years?**
14 A If you looked at basically just 3:30:21PM
15 numbers, you would say yes, they had ineffective
16 enforcement. If they were walking past people
17 who were breaking the law and not stopping and
18 saying stop or taking some kind of action, then
19 I would say yes, they definitely weren't doing
20 their jobs. In a resort community, when you see
21 the same people every day, it's -- it's a
22 service-oriented police department. We're
23 trying to be there for a lot of different
24 thicks, not just writing summonses. A so lot of
25 guys were very good at other portions of the
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1 EDWARD PARADISO
2 then on the way back, if they were still doing
3 it, he would write the summonses. He wouldn't
4 warn the same people over and over and over
5 again, because obviously they're not getting the
6 hint. And he was very good at what he did.
7 **Q Do you think Frank exercised an 3:32:16PM**
8 **appropriate level of discretion?**
9 MR. NOVIKOFF: Objection. 3:32:20PM
10 BY MR. GOODSTADT: 3:32:21PM
11 **Q As a police officer? 3:32:21PM**
12 A I think Frank knew that I wanted 3:32:23PM
13 enforcement on the beach. So he showed the
14 appropriate amount of discretion for a person
15 who was asked to write summonses.
16 **Q Do you think Frank Fiorillo was a good 3:32:37PM**
17 **police officer?**
18 A I thought he was a great police 3:32:40PM
19 officer.
20 **Q Tom Snyder was a good police officer? 3:32:42PM**
21 A I thought he was a wonderful police 3:32:43PM
22 officer.
23 **Q What about Eddie Carter, do you think 3:32:45PM**
24 **he was a good police officer?**
25 A Yes, I do. 3:32:51PM
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1 EDWARD PARADISO
2 **Q Was Joe Nofi a good police officer? 3:32:53PM**
3 A Joe was good. Joe had his issues, 3:32:55PM
4 okay? But none that I found to be fatal flaws,
5 none that would stop me from recommending him
6 for another police job. Joe just had a good
7 personality. He was a people kind of a guy. He
8 could get people to open up and talk and --
9 which is a good aspect, because you get a lot of
10 information that way from people. Joe's only
11 flaw was that his grammar was -- his grammar was
12 lousy, and so we had to work with that with him.
13 But Joe did his job, you know. He worked for a
14 lot of different agencies, and he was a good
15 guy.
16 **Q So other than for his grammar and his 3:33:51PM**
17 **penmanship, I think you testified before --**
18 A Yeah, yeah. 3:33:55PM
19 **Q -- did you have any other problems 3:33:56PM**
20 **that you perceived with Joe's work?**
21 A I prefer Joe type than write. 3:33:57PM
22 **Q But the question is, other than for 3:34:01PM**
23 **the grammar and the penmanship, did you have any**
24 **other problems with Joe's performance as a**
25 **police officer?**
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1 EDWARD PARADISO
2 **police officer?**
3 A Yeah, Kevin Lamm was a wonderful 3:35:07PM
4 police officer. He was tireless, and he
5 didn't -- he didn't -- one of the good things
6 about Kevin Lamm, he didn't hang out on Fire
7 Island. He worked and he went home. He
8 wouldn't go out later on, you know what I mean?
9 Some of the guys could get into trouble with
10 that, you know. So Kevin, he got hurt doing
11 arrests, you know. He was a worker, you know,
12 and he'd write summonses, you know, he was a
13 good guy.
14 **Q Did you ever have any problems with 3:35:47PM**
15 **Kevin Lamm's work as a police officer?**
16 A The only thing, too, toward the end, 3:35:52PM
17 he was, like, unavailable for different shifts,
18 you know what I mean. He'd give me a list of
19 days he could work, but there weren't all
20 weekends in it. And I'd be like, Kevin, you're
21 killing me, you know, this is a weekend job and
22 you're not available, you know, on weekends. I
23 need you to work. I need you to work more.
24 **Q Did you have any problems with him and 3:36:11PM**
25 **his police work when he was actually working?**
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1 EDWARD PARADISO
2 A No. The only other problem I had with 3:34:13PM
3 Joe is that he wasn't available enough, you
4 know. I like guys that could work a lot, and
5 Joe worked for the county and tobacco
6 enforcement and he was a harbor master for
7 Brookhaven Town, I think he was working at. So,
8 you know, he could only give me -- and then he
9 had a bunch of kids too. So he was like, you
10 know, I want to spend time with my family, I
11 can't keep working all these hours. Oh, come
12 on, Joe, you don't need to spend that much time
13 with your family. I need you working. So those
14 were my only complaints, that I wanted to have
15 him more.
16 **Q Just so I'm clear on that last point 3:34:52PM**
17 **about not being available enough. It wasn't**
18 **that he wasn't available when he was on duty, he**
19 **just wasn't available for enough tours?**
20 A Yeah, right. 3:35:01PM
21 **Q I just want to be clear on that. 3:35:02PM**
22 MR. NOVIKOFF: I think that's pretty 3:35:03PM
23 clear.
24 BY MR. GOODSTADT: 3:35:04PM
25 **Q How about Kevin Lamm, was he a good 3:35:04PM**
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1 EDWARD PARADISO
2 A No. 3:36:15PM
3 **Q Did you ever have to discipline Gary 3:36:19PM**
4 **Bosetti?**
5 A Yes. 3:36:24PM
6 **Q When? 3:36:24PM**
7 A There was an incident at Houser's -- 3:36:26PM
8 Gary or Richie? Gary. There was an incident at
9 Houser's -- can we take a break for a minute? I
10 just have to use the men's room.
11 **Q Sure. 3:36:41PM**
12 THE VIDEOGRAPHER: The time is 3:38. 3:36:42PM
13 We're going off the record.
14 (Whereupon, a discussion was held off 3:36:46PM
15 the record.)
16 THE VIDEOGRAPHER: The time is 3:51. 3:49:37PM
17 We are back on the record.
18 BY MR. GOODSTADT: 3:49:42PM
19 **Q I believe before we took the break, 3:49:43PM**
20 **you had mentioned something about disciplining**
21 **Richard Bosetti.**
22 A Right. 3:49:50PM
23 **Q For a fight that happened at Houser's; 3:49:51PM**
24 **is that correct?**
25 A Right. 3:49:54PM
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<p style="text-align: right;">Page 230</p> <p>1 EDWARD PARADISO</p> <p>2 MR. NOVIKOFF: I'm going to object to 3:49:55PM</p> <p>3 the characterization of his testimony in</p> <p>4 response to your question.</p> <p>5 MR. CONNOLLY: Andrew, I think your 3:50:00PM</p> <p>6 question made reference to Gary Bosetti.</p> <p>7 MR. GOODSTADT: Can I see the question 3:50:05PM</p> <p>8 and answer.</p> <p>9 You're right. It's Gary Bosetti. I 3:50:18PM</p> <p>10 apologize.</p> <p>11 BY MR. GOODSTADT: 3:50:20PM</p> <p>12 Q So I believe before we took a break, 3:50:21PM</p> <p>13 you testified about an incident that you had to</p> <p>14 discipline Gary Bosetti about that happened at</p> <p>15 Houser's; is that correct?</p> <p>16 A Right. 3:50:29PM</p> <p>17 Q Why don't you tell me what you're 3:50:29PM</p> <p>18 referring to there.</p> <p>19 A Okay. Well, I called the police 3:50:33PM</p> <p>20 station early Sunday to find out how the night</p> <p>21 had gone. I think I got Frank Fiorillo on the</p> <p>22 phone, and he said everything -- you know, it</p> <p>23 was a busy night, and he seemed reluctant in</p> <p>24 telling me exactly everything that took place.</p> <p>25 I said, Frank, what's going on? He goes, well,</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 231</p> <p>1 EDWARD PARADISO</p> <p>2 I really think you need to come down here. I'm</p> <p>3 like -- because I wasn't coming in that Sunday.</p> <p>4 So he goes, no, you really should come down</p> <p>5 here. There was an incident. I'm like okay.</p> <p>6 So I got in my truck and drove to the beach. I</p> <p>7 get there, and he tells me that --</p> <p>8 Q Just before you go there. When he 3:51:28PM</p> <p>9 said there was an incident, did he tell you</p> <p>10 anything about the incident that you should come</p> <p>11 down and discuss?</p> <p>12 A He said he'd rather talk to me when I 3:51:35PM</p> <p>13 got there.</p> <p>14 Q Okay. 3:51:38PM</p> <p>15 A So I go down there. And it turns out 3:51:40PM</p> <p>16 that during the Halloween party at Houser's, an</p> <p>17 incident took place that Gary was involved in.</p> <p>18 People got hurt. They had to go and find one of</p> <p>19 the guys that had gotten injured. They called</p> <p>20 for an ambulance and had him shipped off. So</p> <p>21 when I got to the police station, I was getting</p> <p>22 filled in on the events as they knew them, which</p> <p>23 was that there was an argument started inside</p> <p>24 the bar, Gary took some action and a fight</p> <p>25 ensued, and that a couple of guys were coming</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>
<p style="text-align: right;">Page 232</p> <p>1 EDWARD PARADISO</p> <p>2 after him and he was swinging a pool cue. One</p> <p>3 guy got at him and hit in the head with a pool</p> <p>4 cue. And then the police finally arrived, and</p> <p>5 they had to separate, I guess, who was there.</p> <p>6 And at first he didn't want to tell me that it</p> <p>7 was Gary who was involved in this, but</p> <p>8 eventually he said that the person picked out</p> <p>9 Gary's picture off the wall and said that's the</p> <p>10 guy who hit him with the pool cue.</p> <p>11 So now I tried to find Gary Bosetti, 3:53:16PM</p> <p>12 and I couldn't find him. He wasn't in the</p> <p>13 barracks. He wasn't anywhere I could find him.</p> <p>14 Eventually, he called the police 3:53:29PM</p> <p>15 station. He was in somebody's car, and he was</p> <p>16 driving off of the beach. I said, where are</p> <p>17 you? He said, I'm going off of the beach. I</p> <p>18 said, I need you to get down to the police</p> <p>19 station. He said, well, you know, I'd really</p> <p>20 rather just leave. I said, I need to talk to</p> <p>21 you. And he goes, yeah, well, I'm gonna have to</p> <p>22 talk to you later because I'm not gonna come</p> <p>23 back now. I'll come back later. So he leaves.</p> <p>24 I go, well, I go, if you're not going to come</p> <p>25 back, I'm going to have to let you go because I</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>	<p style="text-align: right;">Page 233</p> <p>1 EDWARD PARADISO</p> <p>2 gotta find out what's going on here; and if</p> <p>3 you're not going to tell me, then I'll have to</p> <p>4 terminate you. I go, so consider yourself</p> <p>5 suspended pending termination.</p> <p>6 The people come in off the boat that 3:54:08PM</p> <p>7 were involved in the fight. A girl, a guy --</p> <p>8 and two guys? I believe it was three people.</p> <p>9 One guy doesn't know what happened. He doesn't</p> <p>10 know what happened, who hit him or whatever. He</p> <p>11 was so intoxicated when everything took place,</p> <p>12 he doesn't know what happened. There's a girl</p> <p>13 saying -- claiming that she didn't choke</p> <p>14 anybody. And then there's a guy saying that he</p> <p>15 went to pull Gary off his friend, and that's</p> <p>16 when Gary hit him in the head with the pool cue.</p> <p>17 So I was, like, horrified. So I told them, you</p> <p>18 know, do you want to file charges against this</p> <p>19 guy? They weren't -- they were kind of</p> <p>20 wishy-washy on whether they wanted me to have</p> <p>21 him arrested. I go, I already talked to him. I</p> <p>22 had him suspended pending termination. So if</p> <p>23 this is the way it's going to end, keep in mind</p> <p>24 that he's going to be terminated. They said</p> <p>25 they'd get back to me, so they left.</p> <p style="text-align: right;">TSG Reporting - Worldwide (877) 702-9580</p>

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1 EDWARD PARADISO
2 George came in. I started looking 3:55:33PM
3 through the paperwork. We didn't have a lot of
4 witness statements as to what happened. And as
5 far as I could recollect, people didn't really
6 want to talk to -- I think it was Tommy and
7 Frank that were there. I'm not exactly certain
8 who else. But I think it was -- was Kevin
9 there? I don't remember. So we had really no
10 witness statements of what took place in the
11 bar. All I had was what these three people were
12 telling me. The one guy that couldn't remember
13 anything, the one guy that said he went to the
14 aid of his friend and the girl who said she
15 didn't choke anybody.
16 **Q Do you remember the names of any of 3:56:18PM**
17 **those three people?**
18 **Did you take any notes when they came 3:56:26PM**
19 **of what they said?**
20 MR. NOVIKOFF: I don't think the 3:56:26PM
21 witness was done with his answer. Were you
22 done with your answer?
23 THE WITNESS: Well, he had asked me a 3:56:36PM
24 question in the middle of my answer.
25 MR. NOVIKOFF: So you weren't done. 3:56:41PM
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1 EDWARD PARADISO
2 George came in. As a matter of fact, 3:57:51PM
3 I think I called George, and he came in. I
4 filled him in on what took place and what I had
5 said to Gary. And that was it for that day, as
6 far as I recall.
7 Monday I was off. Tuesday I came back 3:58:19PM
8 to work. George had talked to Doug Wyckoff, who
9 was working as a bouncer, I think, outside of
10 Houser's that night, and said that he had held
11 back the one guy that got hit in the head
12 because Gary was grabbing the friend off of one
13 of the firemen's wives. She was getting choked
14 by somebody, and he had intervened in what was
15 going on and had the guy on the ground, saying
16 I'm a police officer, you know, cut it out. You
17 know. And Doug was holding the guy that got hit
18 in the head, but he hadn't gotten hit yet. And
19 he's like, let me go, that's my friend on the
20 floor. He goes, relax, that's one of the police
21 officers. I don't give an F who it is. Pushed
22 away from Doug and went racing over there and
23 grabbed Gary. So Gary is now -- he's like
24 fighting with two of them, and he picks up a
25 pool cue and is swinging it back and forth,
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1 EDWARD PARADISO
2 MR. GOODSTADT: We can go back. 3:56:42PM
3 MR. NOVIKOFF: If you could, please 3:56:46PM
4 read back what the last part of his answer
5 before Mr. Goodstadt asked the next
6 question.
7 (Whereupon, the requested portion was 3:56:54PM
8 read back by the court reporter: I don't
9 remember. So we had really no witness
10 statements of what took place in the bar.
11 All I had was what these three people were
12 telling me. The one guy that couldn't
13 remember anything, the one guy that said he
14 went to the aid of his friend and the girl
15 who said she didn't choke anybody. Q, Do
16 you remember the names of any of those three
17 people?)
18 BY MR. GOODSTADT: 3:57:24PM
19 **Q I apologize if I cut you off. I 3:57:24PM**
20 **thought you were finished with your answer.**
21 A I'll never forgive you. 3:57:30PM
22 So I didn't remember any of their 3:57:35PM
23 names. But they seemed to want to get out of
24 the police station as quickly as possible, so
25 they left.
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1 EDWARD PARADISO
2 trying to push off the guys that were on top of
3 him, and this guy got hit in the head. So now
4 there was a little more information going on.
5 There was -- there seemed to be more to the
6 story than what we had just from the three
7 people that originally told us what was
8 happening.
9 Pat Cherry, who was working as a 4:00:05PM
10 dispatcher because he couldn't work as a police
11 officer anymore because he had the heart attack.
12 But he was a homicide detective for 25 years in
13 Nassau County. So he's a guy who knows how to
14 take a statement from people. So George put him
15 on the case, taking witness statements from
16 people who were at the bar. It turns out that
17 the way it was presented to me, that the wife of
18 one of the firemen -- his name is Bud, I don't
19 remember his last name. He passed away about
20 two years ago. His wife was in the bathroom.
21 The girl was pounding on the door, cursing her
22 through the door because she had to use the
23 bathroom. When she got out, she started choking
24 her. Gary saw it, went to her aid to pull this
25 drunk girl off of this guy's wife. The drunk
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EDWARD PARADISO

guy that couldn't identify anybody jumped on Gary's back, and he ended up wrestling him to the ground and showed him the shield and said, listen, I'm a police officer, you have to stop. And then the other guy jumped in. So there was more to the story now, and there were witnesses that were coming through backing up that part of the story, so much so that the woman that eventually got choked ended up pressing charges against the people who were involved in the event and wrote letters to me and the mayor on how if Gary wasn't there, this woman really could've really gotten hurt and that he came to her aid and that he wasn't the instigator in this. He was trying to help her. And it's wrong to discharge him. He's -- more or less, they were touting him as he saved the day.

So when all this came to light, I 4:02:12PM called Gary into the office. And I said, how come you didn't tell me any of this over the phone? He said, well, I was afraid that you were just going to listen to those people and you were just going to have me arrested. I'm like, well, you didn't give me much of a chance
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EDWARD PARADISO

to do any of that, you know, but I'm going to change your -- your status to suspended pending the rest of the investigation, not terminated. And then when the investigation was concluded, I reinstated him because it was clear that the actions he had taken were in the best interest of the girl that was there as it was reported to me, and there were enough witness statements to backup his actions involved with this case.

Q Are you done with your answer? 4:03:18PM

A Yes. 4:03:19PM

Q Okay. Let's go back to the beginning of that answer. 4:03:20PM

When you came in that day because Frank Fiorillo asked you to come in, what did Frank tell you about the incident, if anything? 4:03:25PM

A He told me there was an incident at the bar, that a guy had gotten hurt. Somebody got hit in the head with a pool cue, and that they identified the guy as Gary Bosetti from a picture on the wall. Richard Bosetti had walked through the police station while they were being interviewed by the officers, Frank and I think Tom. And they said that it was a guy that
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EDWARD PARADISO

looked like him. Witnesses, Richard Bosetti, not Gary Bosetti. They're brothers and they look very similar. And then the guy noticed the picture on the wall and identified that this is the guy that hit me, and it was obvious that it was Gary Bosetti.

So he told me that he didn't -- he didn't know where Gary was, that Richie said he was going to -- they were up at the barracks; but when he went up to talk to them, they weren't there. And that when they arrived, this guy that couldn't remember who hit him was already gone, but they were able to find out where he was because he was in bad shape and needed medical attention. And I told them they did a wonderful job finding this guy, that they went over and above. Normally, you know, they could have said, well, he'll eventually call for help or whatever; but no, they went out and they found him.

Q The on-duty officers? 4:05:10PM

A Excuse me? 4:05:11PM

Q The on-duty officers went above and beyond their duty? 4:05:11PM

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EDWARD PARADISO

MR. NOVIKOFF: Objection. 4:05:14PM

A Yes. 4:05:14PM

Q Anything else that Frank Fiorillo told you when he first got there? 4:05:16PM

A Not that I can recall. 4:05:19PM

Q And then you testified that two males and a female came to the station that next day, correct? 4:05:21PM

A That was Sunday, that morning. 4:05:28PM

Q Okay. Did any of them identify the person who used the pool cue at that time? 4:05:30PM

A Yeah, they pointed to the picture that was on the wall. 4:05:37PM

Q They pointed to Gary Bosetti's picture? 4:05:39PM

A Yes. 4:05:42PM

Q What else did they tell you other than that was the guy who used a pool cue, and the woman I think you said -- I think you said the woman said she didn't choke anyone. 4:05:45PM

A Yeah. Well, all she did was continue to say I didn't choke anybody. 4:05:58PM

Q Uh-huh. 4:06:02PM

A And which I didn't know what she was 4:06:03PM

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1 EDWARD PARADISO
2 talking about because I never asked her if she
3 did choke anybody. And like I said, the one guy
4 that had gotten -- that was drunk couldn't
5 remember who did anything to him. So he was
6 just that he couldn't identify anybody. And the
7 one guy that got hit on the head is the one that
8 identified Gary, but he had said that the
9 bouncer had held him back, told him that he was
10 a cop. And he said, I don't give a shit and ran
11 over and pushed Gary off the top of the guy and
12 started swinging at Gary.
13 **Q Who started swinging at Gary? 4:06:38PM**
14 A The guy that got hit in the head. 4:06:39PM
15 **Q And he's the one that told you that he 4:06:41PM**
16 **started swinging at Gary?**
17 A Yeah. 4:06:46PM
18 **Q Did you ask him any questions? 4:06:46PM**
19 A I asked him if the officer 4:06:48PM
20 identified -- if this guy identified himself as
21 a police officer. He goes, yeah. He had a
22 badge hanging around his neck, but I didn't
23 care.
24 **Q Did you ask him any other questions? 4:06:57PM**
25 A I asked him if he wanted to press 4:07:09PM
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1 EDWARD PARADISO
2 A Sure. 4:08:01PM
3 **Q Witnesses that come back in the next 4:08:01PM**
4 **day after an incident?**
5 A Yeah. 4:08:05PM
6 **Q Would there be any reason why you 4:08:07PM**
7 **wouldn't take notes of what they said?**
8 MR. NOVIKOFF: Objection. 4:08:11PM
9 A I can't think of any reason why I 4:08:12PM
10 wouldn't take notes.
11 **Q Do you recall anything else that was 4:08:16PM**
12 **said while they were there?**
13 A No. 4:08:19PM
14 **Q Do you know whether -- was Frank still 4:08:20PM**
15 **there when they came in?**
16 A I don't remember. Maybe. Maybe you 4:08:24PM
17 were. Maybe he was.
18 **Q Was anybody else in the station other 4:08:28PM**
19 **than for the three of them, you and maybe Frank?**
20 A There was a dispatcher. I don't know 4:08:38PM
21 who was working as dispatcher. You know what it
22 is, we wouldn't have a lot of people on the day
23 after Halloween because it's an off-season day.
24 So normally that morning we'd only have one guy
25 working. So whoever was normally scheduled for
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1 EDWARD PARADISO
2 charges. He said he wasn't sure.
3 **Q That's when you told him about your 4:07:14PM**
4 **suspension pending termination?**
5 A Yeah. I told him that, you know, you 4:07:18PM
6 have time to make that decision. You don't have
7 to make that decision today. You know, you can
8 call me up tomorrow and say I want to press
9 charges, and we'll just proceed with that. We
10 don't know who you're identifying.
11 **Q Do you know why they came to the 4:07:33PM**
12 **station that day?**
13 A I'm not certain. 4:07:41PM
14 **Q Do you know whether they were called 4:07:42PM**
15 **to come in?**
16 A They weren't called to come in. They 4:07:45PM
17 came off the boat. They got to the hospital and
18 then they came back on the ferry, and the ferry
19 stops right at the police station.
20 **Q Did you take any notes of their 4:07:53PM**
21 **statement?**
22 A If I did, it would be in the file 4:07:56PM
23 jacket.
24 **Q Is that something you normally would 4:07:58PM**
25 **take note of?**
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1 EDWARD PARADISO
2 that day, I'm not sure.
3 **Q And did you usually call in the night 4:09:02PM**
4 **after Halloween or the morning after Halloween**
5 **night?**
6 MR. NOVIKOFF: Objection. 4:09:08PM
7 BY MR. GOODSTADT: 4:09:09PM
8 **Q Is that like a standard practice? 4:09:09PM**
9 A Usually, I would be coming into work 4:09:16PM
10 the morning after Halloween, you know. That day
11 I wasn't feeling well. I wasn't planning on
12 coming into work.
13 **Q How many years after the Wyckoff 4:09:24PM**
14 **suicide was the Halloween '04 incident?**
15 A I'm thinking. I think it was 2002. 4:09:51PM
16 **Q So it was two years later? The 4:10:33PM**
17 **Halloween incident, it was two years after the**
18 **suicide?**
19 A I think so. 4:10:39PM
20 **Q How come there was no supervisor on 4:10:39PM**
21 **duty that night of the Halloween incident?**
22 A George worked that evening. I think 4:10:46PM
23 he worked 4 to 12.
24 **Q So you didn't schedule a supervisor be 4:10:55PM**
25 **on that whole night of the Halloween party?**
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1 **EDWARD PARADISO**
2 A George had the ability to stay on if 4:11:04PM
3 things were busy. If it looked like it was
4 busy, he could have stayed on later, but he was
5 scheduled 4 to 12. George would've had the
6 ability to stay on later if it looked like he
7 was going to be busy that night, but he was
8 scheduled for a 4 to 12.
9 **Q Did you ever ask him why he didn't 4:11:21PM**
10 **stay on?**
11 A No. 4:11:24PM
12 MR. NOVIKOFF: Objection. 4:11:24PM
13 BY MR. GOODSTADT: 4:11:25PM
14 **Q Just going back to when the three 4:11:37PM**
15 **people came in, two males and a female. Is**
16 **there anything else that you recall them stating**
17 **that you haven't testified to yet?**
18 A No. 4:11:47PM
19 **Q Did you speak with Fiorillo at all 4:11:47PM**
20 **that morning other than for what you already**
21 **testified to?**
22 A I don't think so. 4:11:53PM
23 **Q Okay. You stated before there didn't 4:11:54PM**
24 **seem to be any eyewitnesses available; is that**
25 **correct?**
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1 **EDWARD PARADISO**
2 A I think so. 4:12:55PM
3 **Q Had you tried to find Gary before he 4:12:59PM**
4 **called in?**
5 A Yes. 4:13:02PM
6 **Q What did you do to try to find him? 4:13:02PM**
7 A I went to the barracks to look for 4:13:04PM
8 him. I went to a few houses of people I knew
9 that he was friendly with to see if he was
10 staying there.
11 **Q Whose houses? 4:13:13PM**
12 A I don't remember their names. 4:13:14PM
13 **Q Do you remember any names of the 4:13:15PM**
14 **people he was friendly with whose house you**
15 **checked?**
16 A No. 4:13:19PM
17 **Q What else did you do to try to find 4:13:20PM**
18 **him?**
19 A That's all I did. 4:13:22PM
20 **Q And then he called you or called the 4:13:23PM**
21 **station; is that correct?**
22 A Yeah. 4:13:26PM
23 **Q Other than what you testified to, do 4:13:27PM**
24 **you recall anything else that was stated during**
25 **that telephone conversation between you and Gary**
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1 **EDWARD PARADISO**
2 A Yes. 4:11:59PM
3 **Q What was the basis of that statement? 4:12:00PM**
4 A Because there were no witness 4:12:01PM
5 statements. There were no lists of witnesses.
6 **Q Did you ask whether they tried to take 4:12:05PM**
7 **witness statements that night?**
8 A Yes. 4:12:10PM
9 MR. NOVIKOFF: Ask who? 4:12:10PM
10 MR. GOODSTADT: Ask Frank. 4:12:11PM
11 A Yes. He said that people weren't 4:12:12PM
12 cooperating.
13 **Q Did he tell you when they didn't try 4:12:23PM**
14 **to get the statements that night, that led them**
15 **to believe that people weren't cooperating?**
16 A I don't recall. 4:12:33PM
17 **Q So let's keep focusing on that morning 4:12:37PM**
18 **before you went to go try and find Gary**
19 **Bosetti -- strike that.**
20 **You went to go find Gary Bosetti 4:12:44PM**
21 **before the three people came in; is that**
22 **correct?**
23 A Yes. 4:12:49PM
24 **Q Had you already spoken to Gary Bosetti 4:12:49PM**
25 **before the three of them came in?**
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1 **EDWARD PARADISO**
2 **Bosetti?**
3 A No. 4:13:41PM
4 **Q Okay. And you suspended him at that 4:13:42PM**
5 **time because he refused to speak with you?**
6 A Because he refused to come back. 4:13:47PM
7 **Q Did you consider that at that time to 4:13:50PM**
8 **be insubordinate?**
9 A At the time that that was taking 4:14:13PM
10 place, I wasn't thinking about insubordination.
11 I was thinking about getting to the bottom of
12 what took place. I felt I'd get a better idea
13 if I could get him in the police station and
14 find out exactly what happened. I didn't have
15 his version of the story, and I thought that was
16 a crucial piece of the part to try to make sense
17 of what took place. I think it if he would've
18 come back, it would've made a big difference.
19 **Q Did you ask him why he didn't give a 4:14:43PM**
20 **statement to the officers who were on duty that**
21 **night?**
22 MR. NOVIKOFF: In this conversation? 4:14:48PM
23 MR. GOODSTADT: In this conversation. 4:14:49PM
24 MR. NOVIKOFF: Okay. 4:14:50PM
25 A No. I was more or less trying to get 4:14:51PM
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1 EDWARD PARADISO
2 him to come back.
3 **Q At any point in time, did you ever ask 4:14:55PM**
4 **him why he didn't give the officers who were on**
5 **duty a statement that night?**
6 MR. NOVIKOFF: Objection to form. 4:15:01PM
7 A After a lot of the information had 4:15:02PM
8 come to pass and the witness statements were
9 starting to come in, I had asked him why he
10 didn't want to come back, and he had said that
11 he was afraid that I was just going to lock him
12 up.
13 **Q I'm not talking about asking why he 4:15:16PM**
14 **didn't come back. I'm asking, did you ever**
15 **speak with him as to why he didn't give a**
16 **statement to the on-duty officers at the bar**
17 **that night.**
18 MR. NOVIKOFF: And I'm going to object 4:15:27PM
19 to the form.
20 A What I recall was that either he or 4:15:32PM
21 his brother Richie asked the guys that were on
22 duty if they needed any help with the
23 information, and they said, no, we got it taken
24 care of.
25 **Q And what did -- 4:15:50PM**
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1 EDWARD PARADISO
2 should've been the arresting officer involved in
3 it. He should've been involved in the entire
4 situation that took place at the police station.
5 It didn't make sense to me for him to just
6 disappear that way.
7 **Q And then I believe you testified that 4:17:11PM**
8 **George Hesse came in; is that correct?**
9 A Yeah, he was scheduled 4 to 12. 4:17:14PM
10 **Q So you didn't call him to come in, he 4:17:17PM**
11 **just appeared for his tour?**
12 A I called him to let him know that we 4:17:21PM
13 had had an incident and that Gary was involved.
14 So I'm not exactly certain what time he -- if he
15 came in earlier or just came in on his 4 to 12.
16 **Q And that's just 4 in the afternoon 4:17:33PM**
17 **until midnight?**
18 A Uh-huh. Yes. 4:17:38PM
19 **Q Do you recall during that phone 4:17:41PM**
20 **conversation what he said, if anything, after**
21 **you informed him that there was an incident**
22 **involving Gary Bosetti?**
23 A Other than shock, no, I don't remember 4:17:55PM
24 anything else that was said. I think I did ask
25 him to come in earlier. I wasn't feeling well,
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1 EDWARD PARADISO
2 MR. NOVIKOFF: I'm sorry. Can you 4:15:51PM
3 just read that answer back so I don't have
4 to repeat the question.
5 (Whereupon, the requested portion was 4:15:55PM
6 read back by the court reporter: What I
7 recall was that either he or his brother
8 Richie asked the guys that were on duty if
9 they needed any help with the information
10 and they said no, we got it taken care of.)
11 MR. NOVIKOFF: Okay. 4:16:10PM
12 BY MR. GOODSTADT: 4:16:10PM
13 **Q And where did you learn that from? 4:16:11PM**
14 A I got that from Richie. 4:16:13PM
15 **Q Uh-huh. When? 4:16:15PM**
16 A Maybe two days later. 4:16:23PM
17 **Q At the time that you learned of it, 4:16:25PM**
18 **did you think it was strange that Gary Bosetti,**
19 **having a 20 year career in the NYPD, would leave**
20 **the scene of an incident that he was involved in**
21 **without giving a statement?**
22 MR. NOVIKOFF: Objection. 4:16:41PM
23 A It didn't make any sense to me at all. 4:16:41PM
24 **Q Why do you say that? 4:16:46PM**
25 A Because he -- he took action, he 4:16:47PM
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1 EDWARD PARADISO
2 so I didn't plan on spending the entire day
3 there anyway. I wasn't in uniform. I just came
4 over because of the incident.
5 **Q I believe you testified that you 4:18:12PM**
6 **reviewed the paperwork; is that correct?**
7 A I reviewed what they had in the file. 4:18:17PM
8 **Q What was in the file that you 4:18:19PM**
9 **reviewed?**
10 A I don't recall a lot of it. There was 4:18:21PM
11 a copy of the ambulance report. There was a
12 field report about the initial call and how they
13 arrived. I don't exactly remember.
14 **Q Have you ever spoken or had any 4:18:46PM**
15 **communication with Joe Loeffler about the**
16 **incident?**
17 A Joe Loeffler I spoke to that morning. 4:18:54PM
18 He was on the ambulance crew that came to pick
19 up the young man.
20 **Q Tell me the substance of your 4:19:06PM**
21 **conversation with Loeffler.**
22 MR. NOVIKOFF: How about when? 4:19:10PM
23 MR. GOODSTADT: That morning he said. 4:19:11PM
24 MR. NOVIKOFF: Oh, he said that 4:19:12PM
25 morning? Sorry.
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1 EDWARD PARADISO
2 A At that moment, he didn't know who -- 4:19:18PM
3 that Gary was involved. And it was like, it
4 looks like we got at least an assault 2 because
5 of the pool cue. That's an assault with a
6 weapon.
7 Q Do you recall anything else he said or 4:19:41PM
8 you said during that conversation?
9 A Not really, because you know what, he 4:19:44PM
10 can't discuss what happened on the medical end
11 of it because of the HIPAA regulations. He's on
12 an ambulance. He's not supposed to discuss what
13 kind of medical need that people needed. So he
14 would've been in breach of his EMT duties if he
15 had -- would've went into detail on the
16 injuries.
17 Q But he just told you he thought it was 4:20:11PM
18 at least an assault 2?
19 A Yes. 4:20:15PM
20 Q Did you take any notes of that 4:20:18PM
21 conversation?
22 A No. 4:20:20PM
23 Q Was that in person or was that over 4:20:21PM
24 the phone?
25 A It was in person. 4:20:23PM
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1 EDWARD PARADISO
2 A He was amazed that all that took 4:21:24PM
3 place, and he was wondering why there weren't
4 any statements from witnesses that took place of
5 what took place. And I had said that nobody
6 did -- nobody came forward to give statements to
7 the officers that had responded to the call.
8 Q Anything else that was stated during 4:21:56PM
9 that conversation?
10 A No. 4:22:08PM
11 Q Did you appoint George Hesse as the 4:22:12PM
12 investigator for the case?
13 A I didn't say you're investigating this 4:22:30PM
14 case. It would be the normal job of the
15 supervisor to look further into it, you know, to
16 do more of an investigation. When I held the
17 role of sergeant, whenever there was an arrest,
18 I would do all the paperwork to make sure
19 everything was done correctly.
20 Q When you say an arrest, you mean 4:22:54PM
21 involving a police officer or just any arrest?
22 A Any arrest. 4:22:56PM
23 Q How about an incident involving a 4:22:57PM
24 police officer?
25 A Even more so, you need a supervisor to 4:23:01PM
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1 EDWARD PARADISO
2 Q Where was that? 4:20:24PM
3 A Right in front of the police station. 4:20:25PM
4 Q Was anyone else there? 4:20:27PM
5 A No. 4:20:29PM
6 Q And you testified -- and that was 4:20:32PM
7 before Hesse got there? That was in the morning
8 still?
9 A Yes. 4:20:36PM
10 Q And you testified that George Hesse 4:20:37PM
11 came at some point, correct?
12 A Yes. 4:20:41PM
13 Q And you don't recall what time it was? 4:20:42PM
14 A No. 4:20:44PM
15 Q Tell me everything you recall 4:20:44PM
16 discussing with George Hesse at the police
17 station that day.
18 A I went over what the facts and 4:20:55PM
19 circumstances of the incident were. It was like
20 good recall. I went over this -- what the
21 people had said, the fact that I finally talked
22 to Gary on the phone and that I had suspended
23 him subject to termination.
24 Q How did he react when you told him 4:21:22PM
25 that?
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1 EDWARD PARADISO
2 handle that paperwork.
3 Q Is there an internal affairs group at 4:23:02PM
4 Ocean Beach that would investigate internal
5 police conduct?
6 A No. 4:23:08PM
7 Q Have you ever used the Suffolk County 4:23:09PM
8 internal affairs group to investigate anything
9 at Ocean Beach?
10 A No. 4:23:23PM
11 Q Do you know whether George Hesse had 4:23:30PM
12 any investigation training in connection with a
13 case of alleged police brutality?
14 MR. NOVIKOFF: Objection. Well, 4:23:40PM
15 objection.
16 A Not that I -- not that I'm aware of. 4:23:52PM
17 Q Did you speak with Tom Snyder that 4:23:54PM
18 day, the day that you came to the beach, the
19 Sunday?
20 A I don't remember. 4:24:05PM
21 Q Did you speak with Kevin Lamm that 4:24:05PM
22 day?
23 A I wasn't even certain if he was still 4:24:12PM
24 there when I got there, so I don't think so.
25 Q Did you try calling either of them? 4:24:16PM
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EDWARD PARADISO

A No. I was more involved with talking 4:24:19PM
with the people that were there and trying to
figure out what took place. I had Frank there.
I didn't think that I was going to get a
different story from every officer that worked.

Q Let's talk about the question I asked 4:24:34PM
you before. I'm not sure if you finished the
answer. When I asked you what paperwork you
reviewed, you said the ambulance report. Was
there any other paperwork you reviewed?

A The field report that they generated 4:24:45PM
and whatever else they might have had in the
file. I don't recall.

Q Now, you said you were off on Monday; 4:24:57PM
is that correct?

A Right. 4:24:59PM

Q Did you hear from anyone, speak with 4:25:00PM
anyone about this incident on Monday when you
were off?

A I don't remember. 4:25:06PM

Q And then that Tuesday, were you back 4:25:10PM
on duty that Tuesday?

A Yes. 4:25:14PM

Q And I believe you testified that 4:25:14PM
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EDWARD PARADISO

George Hesse had spoke with Doug Wyckoff; is
that correct?

A Right. 4:25:19PM

Q Okay. Did he tell you anyone else -- 4:25:20PM
on that Tuesday, did he tell you anyone else
that he had spoken with?

A I don't remember if he said he spoke 4:25:39PM
with anyone else. I know he had gotten some
names of people who were there from Doug. So I
think he was in the process of trying to track
down those people to find out what they had
seen.

Q Did you know Doug Wyckoff before that 4:25:57PM
time?

A Yes, I've known Doug Wyckoff for 26 4:26:00PM
years.

Q Are you friends with Doug Wyckoff? 4:26:04PM

A I'm acquainted with Doug Wyckoff. We 4:26:06PM
never went out.

Q And is he related at all to Marissa 4:26:10PM
Wyckoff?

A He's Marissa's father. 4:26:15PM

Q And Marissa worked as a dock master 4:26:18PM
there?

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EDWARD PARADISO

A Dock master, and she also worked as a 4:26:19PM
dispatcher when she had a job at the NYPD.

Q Did she report to you when she worked 4:26:26PM
there?

A If she was on duty when I was, yes. 4:26:29PM

Q Do you know whether Doug Wyckoff was 4:26:34PM
drinking that night?

A Have no idea. 4:26:38PM

Q Did you ask Mr. Hesse whether he 4:26:39PM
inquired as to whether Doug Wyckoff was
drinking?

MR. NOVIKOFF: Objection. 4:26:44PM

A I don't remember what I asked him 4:26:47PM
about Doug Wyckoff.

Q Do you think it would be relevant to 4:26:52PM
know whether an alleged eyewitness was drinking
the night of the incident?

MR. NOVIKOFF: Objection. 4:26:59PM

A I think it would be relevant. 4:27:05PM

Q Do you think it would be a mistake not 4:27:09PM
to ask whether he was drinking?

A I think he would -- I don't think I 4:27:12PM
made a mistake to ask him -- to not ask him if
he was drinking or not. I don't remember what

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EDWARD PARADISO

exactly was said.

Q I'm asking you whether the person that 4:27:23PM
took his witness statement, do you think it
would be a mistake not to ask whether he had
been drinking that night?

MR. NOVIKOFF: In the absence of any 4:27:45PM
other information concerning it.

A I don't really understand. If you 4:27:50PM
take -- you're taking a statement from somebody
who is claiming to be there. He's bouncing at
the bar. You're asking him what he saw. I
don't know if it would be a mistake to not ask
him if he had a drink. You want to get -- you
want to find out what happened. He didn't ask
him what were you doing for the last hour and a
half before this took place. He asked what he
saw. You get a statement of what you observed.
So I don't think every statement would be
started with, you know, I had three vodka and
seven's and this is what I saw. I don't know.

Q So just so I'm clear on your 4:28:38PM
testimony. I wasn't sure exactly what you said.
You do or don't think it was a mistake not to
find out whether Mr. Wyckoff, who was an alleged

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1 **EDWARD PARADISO**
2 **eyewitness giving a statement, had he been**
3 **drinking at the time?**
4 MR. NOVIKOFF: Objection to form. 4:28:54PM
5 A I don't know if he found if he was 4:28:55PM
6 drinking or not.
7 **Q If he didn't find out, do you think it 4:28:58PM**
8 **would be a mistake?**
9 MR. NOVIKOFF: Note my objection to 4:29:01PM
10 the form.
11 A I don't think it would be a mistake. 4:29:15PM
12 I would've been surprised if I found out he
13 wasn't drinking the night that it took place. I
14 mean, you're at a bar, it's a Halloween party.
15 Bouncers typically have at least a beer or two
16 while they were working, and I would be shocked
17 if he didn't have a beer or a drink while he was
18 working. But how much of an effect that would
19 have on his witness statement, I don't know. So
20 I don't know how to answer your question,
21 because, you know, you're asking me to judge on
22 whether or not somebody took a good statement.
23 I haven't read the statement. I don't know if
24 he asked him. I don't know if Doug did drink.
25 I don't know. I would have to see the statement
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1 **EDWARD PARADISO**
2 **Q You don't think it would be important 4:31:06PM**
3 **to know those factors that you just listed to**
4 **see if their memory was possibly impaired?**
5 A I think that when it would come to 4:31:12PM
6 trial, all those questions would probably be
7 asked. So I don't know. I'd have to see the
8 transcripts of the trial to see if the judge
9 thought it was important.
10 **Q I'm asking whether you think it's 4:31:24PM**
11 **important.**
12 MR. NOVIKOFF: Objection. 4:31:25PM
13 BY MR. GOODSTADT: 4:31:26PM
14 **Q I'm not asking what the judge may 4:31:26PM**
15 **think.**
16 A I really don't know if it's important 4:31:28PM
17 or not, depending on how much the person has had
18 to drink. If I was taking the statement, I
19 would probably ask were you drinking that night
20 and how much did you have to drink.
21 **Q Okay. Do you know why Mr. Wyckoff 4:31:38PM**
22 **didn't come forward that night and give a**
23 **statement?**
24 MR. NOVIKOFF: Objection. 4:31:42PM
25 A No. 4:31:43PM
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1 **EDWARD PARADISO**
2 and see how it was worded to tell you if I
3 thought it was a complete statement.
4 **Q Did you ever read his statement? 4:29:53PM**
5 A I'm thinking that I did. But I don't 4:29:58PM
6 remember the sum or substance of it other than
7 that he held the guy back, told him that he was
8 a police officer, and the guy said I don't care
9 and pushed Doug off and went back in.
10 **Q In your experience as a chief of 4:30:16PM**
11 **police and a sergeant and a police officer, do**
12 **you believe that alcohol could impair somebody's**
13 **perception as to what they're witnessing?**
14 MR. NOVIKOFF: Objection. 4:30:30PM
15 A Depends on the person. Some people 4:30:33PM
16 are able to maintain an incredible ability to
17 state what took place no matter how much they've
18 drank, and some people could have one drink and
19 not be able to walk. So it really depends on
20 the person, what they've been drinking, how much
21 they've been drinking, what they had to eat.
22 There's a lot of different factors. If you're
23 asking me as a police officer does alcohol
24 impair somebody's memory, I would say most
25 people I think it would.
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1 **EDWARD PARADISO**
2 **Q Did you ever speak with Wyckoff about 4:31:45PM**
3 **the incident?**
4 A I don't recall having a direct 4:31:57PM
5 conversation with him about it, only because
6 when it started to come out that there was more
7 to the story, I thought it was a better position
8 to take a step back from the investigation and
9 let George handle the investigation along with
10 Pat Cherry, who was taking the statements
11 because I didn't want it to look like I was
12 trying to railroad these three people and just
13 do a cover for an officer so he wouldn't get
14 into trouble. I felt that as chief, being the
15 person to conduct the investigation wasn't the
16 best position for the department or for the
17 village or for the officer.
18 **Q Was the board aware that an 4:32:52PM**
19 **investigation was taking place?**
20 A I'm certain that they were. 4:33:05PM
21 **Q How do you know that? 4:33:07PM**
22 A Well, George was not one to keep 4:33:08PM
23 things close to the vest. So if there was
24 something happening, he would talk about it, you
25 know. It wasn't like it was a confidential
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1 EDWARD PARADISO
2 investigation. This wasn't a sex crime or an
3 underage person that there was a lot of people
4 to, like, you know, we don't want to talk about
5 this. So George would sometimes talk through an
6 issue, see what people might know or to see, you
7 know, what was going on with it, and it wouldn't
8 surprise me if he had a conversation with one of
9 the board members just to keep them updated on
10 what was taking place.

11 **Q Are you just speculating that that 4:33:54PM**
12 **happened or you know that that happened?**

13 A I'm speculating. 4:33:58PM

14 **Q So do you know whether the board -- 4:33:59PM**
15 **for a fact, that the board was aware that an**
16 **investigation was taking place?**

17 A No. But it's a small village. 4:34:07PM

18 **Q Right. 4:34:13PM**

19 A It's only -- it's less than 85 acres 4:34:14PM
20 of land. It's very difficult for anything to
21 take place over here and not have everybody
22 knowing about it over here. You know, it
23 wasn't -- it's not the City of New York, where
24 you can fall into a crack and it's never going
25 to be seen again. This is a small spot. People

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1 EDWARD PARADISO
2 A I don't even know if those people gave 4:35:35PM
3 statements. One couldn't identify what was
4 happening. So other than those two people, the
5 young girl and the guy, I thought it was odd
6 that no one -- that they didn't have any other
7 witness statements, but sometimes people come in
8 the next day and say, you know, I saw what
9 happened. Or maybe they didn't want to speak
10 officially as it was taking place, but now
11 they'll come in, they'll filter in, you know, I
12 was there, I saw this, I saw that. It's just
13 the nature of how people are. You know, some
14 people aren't comfortable talking with police
15 all the time.

16 **Q Do you know whether Wyckoff disclosed 4:36:09PM**
17 **in his witness statement that Gary Bosetti used**
18 **a pool cue?**

19 MR. NOVIKOFF: I'm sorry. What was 4:36:15PM
20 that question?

21 BY MR. GOODSTADT: 4:36:16PM

22 **Q Do you know whether Wyckoff disclosed 4:36:16PM**
23 **in his witness statement that Gary Bosetti used**
24 **a pool cue?**

25 A I'm not sure. 4:36:24PM

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1 EDWARD PARADISO
2 talk. This was the only party going on in the
3 village, and, you know, you had a bar packed
4 with people. So everybody was there. Everybody
5 saw what took place. So it would be very
6 difficult for anything to be going on the next
7 day and not have everybody in the village
8 talking about it. So the board members all
9 living in the village and one of them responding
10 in the ambulance, would all probably be very in
11 the loop onto what was taking place. My
12 speculation.

13 **Q And you said a lot of people were 4:35:12PM**
14 **there and all of whom saw what was going on at**
15 **the bar that night?**

16 A As far as I know. Halloween was a big 4:35:17PM
17 night in Ocean Beach at Houser's. It was always
18 a well-attended party.

19 **Q And yet nobody other than for the 4:35:25PM**
20 **three people who gave statements to the on-duty**
21 **officers came forward that night with a**
22 **statement?**

23 MR. NOVIKOFF: Objection. 4:35:33PM

24 BY MR. GOODSTADT: 4:35:33PM

25 **Q Is that correct? 4:35:34PM**

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1 EDWARD PARADISO
2 **Q Did George Hesse get Pat Cherry 4:36:39PM**
3 **involved -- strike that.**
4 **Did you learn that Pat Cherry was 4:36:44PM**
5 **involved after he had already been involved or**
6 **did George Hesse come to you first and ask**
7 **whether Pat Cherry should've been involved?**

8 MR. NOVIKOFF: Objection. There are 4:36:55PM
9 other alternatives.

10 BY MR. GOODSTADT: 4:36:57PM

11 **Q Or some other reason. 4:36:57PM**

12 MR. NOVIKOFF: Note my objection. 4:36:59PM

13 A George told me that he was thinking of 4:37:01PM
14 having Pat take the statements, and I thought it
15 was a wonderful idea because the guy made his
16 living taking statements for homicide cases. He
17 knows how to take a statement. He's not a
18 rookie by any stretch of the imagination. He's
19 probably taken hundreds, if not thousands of
20 statements from witnesses in the course of his
21 career. And I thought it was a wonderful choice
22 for someone who was going to be taking witness
23 statements and thought he would do a very good
24 job.

25 **Q And was Pat Cherry -- Pat Cherry 4:37:47PM**

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1 **EDWARD PARADISO**
2 **wasn't certified in Suffolk County, correct?**
3 A No. He was working as a dock 4:37:53PM
4 master -- he was working as a dispatcher.
5 **Q At that time? 4:37:57PM**
6 A Yeah. 4:37:58PM
7 **Q Are you sure about that? 4:37:59PM**
8 A Almost pretty sure. 4:37:59PM
9 **Q Are you as sure about that as you are 4:37:59PM**
10 **about all the other testimony you've given**
11 **today?**
12 MR. NOVIKOFF: Objection. 4:38:03PM
13 A Wow, that's -- that's not very nice. 4:38:04PM
14 MR. NOVIKOFF: No. 4:38:07PM
15 A Now that you broach that, no, I'm not 4:38:11PM
16 certain.
17 **Q Did anyone advise the board that Pat 4:38:16PM**
18 **Cherry was going to investigate this matter?**
19 MR. NOVIKOFF: Objection to form. 4:38:20PM
20 A Well, I wasn't certain that anyone 4:38:23PM
21 advised the board to what the process of the
22 investigation was, so I wouldn't be able to say
23 yes or no to that question.
24 **Q Did you ever discuss with Mr. Hesse or 4:38:43PM**
25 **Mr. Cherry what their plan was for the**
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1 **EDWARD PARADISO**
2 witness statements and everything else, with
3 like a conclusion?
4 **Q Exactly? 4:40:02PM**
5 A I think the -- no, I don't recall if 4:40:08PM
6 they wrote a conclusion or not. I think the
7 evidence spoke for itself, and the judge agreed.
8 **Q What do you mean, the judge agreed? 4:40:18PM**
9 A They ended up -- the people that were 4:40:21PM
10 involved in the case were found guilty of a
11 couple different charges in court, in our court.
12 **Q They pled guilty or there was a 4:40:31PM**
13 **verdict that they were guilty, a verdict after**
14 **presentation of evidence?**
15 MR. NOVIKOFF: I'm going to object to 4:40:39PM
16 the form of the question.
17 A I'm not certain. There wasn't a jury 4:40:41PM
18 trial. I think they pled -- they pled to --
19 pled to some charges.
20 **Q Was there any trial? 4:40:53PM**
21 A There was a hearing in our court, and 4:40:55PM
22 I think the attorneys that were defending them
23 worked out a plea deal with the District
24 Attorney that was there.
25 **Q Did any of the people that came in the 4:41:11PM**
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1 **EDWARD PARADISO**
2 **investigation?**
3 A No. Like I said, I tried to keep a 4:38:49PM
4 hands-off approach. I wanted them to conduct,
5 complete the investigation, because once
6 information was starting to come out that there
7 was more than just the story that we had gotten
8 from the people that were involved on the one
9 side of the fight, I just wanted to have them
10 hand me their completed investigation.
11 **Q Did they ever do a completed report of 4:39:18PM**
12 **investigation?**
13 A Yeah. They brought it to trial, so it 4:39:22PM
14 would seem to me that they had all the witness
15 statements that they needed. I was getting
16 letters in the mail from people, the woman that
17 had gotten choked. So there was -- there was a
18 lot of people coming forward to tell a different
19 version of the story.
20 **Q Did they ever write up a report, do 4:39:41PM**
21 **you know?**
22 MR. NOVIKOFF: I'm going to object to 4:39:52PM
23 the form of the question.
24 A Yeah, I don't really understand. You 4:39:54PM
25 mean a separate report in addition to all the
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1 **EDWARD PARADISO**
2 **next day indicate that they thought that the**
3 **Ocean Beach Police Department was going to cover**
4 **up what had happened?**
5 MR. NOVIKOFF: I'm sorry, could you 4:41:19PM
6 just read that question. I apologize.
7 (Whereupon, the requested portion was 4:41:21PM
8 read back by the court reporter: Did any of
9 the people that came in the next day
10 indicate that they thought that the Ocean
11 Beach Police Department was going to cover
12 up what had happened?)
13 MR. NOVIKOFF: You mean the two -- 4:41:38PM
14 MR. GOODSTADT: The two males and the 4:41:39PM
15 woman.
16 MR. NOVIKOFF: Exactly. 4:41:42PM
17 A I tried to make that pretty clear, 4:41:43PM
18 that that was not going to take place. That was
19 the reason why I assured them, based on what
20 they had told me, that Gary Bosetti wasn't going
21 to be working for me anymore.
22 **Q But did they indicate that they 4:41:56PM**
23 **thought it would be covered up?**
24 A I don't recall that they did, no. 4:41:59PM
25 **Q Did you ever speak with Jeanne Yager 4:42:03PM**
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1 **EDWARD PARADISO**
2 **about the incident?**
3 A Yeah. She was the woman that got 4:42:10PM
4 choked by the young girl.
5 **Q Did you ever speak with her about the 4:42:13PM**
6 **incident?**
7 A Her husband wrote me a letter about 4:42:18PM
8 the incident. And I think the last time I spoke
9 to her about it I think was at her husband's
10 funeral, where she still couldn't believe that
11 it had all took place and that she was thankful
12 that Gary was there.
13 **Q Did you ever ask why she didn't give a 4:42:37PM**
14 **statement that night?**
15 A No. 4:42:43PM
16 **Q Have you ever been told by anyone why 4:42:48PM**
17 **she didn't give a statement that night?**
18 A No. 4:42:54PM
19 **Q Did you ask her if she was drinking 4:42:57PM**
20 **that night?**
21 A No. 4:43:04PM
22 **Q Do you know whether the two officers 4:43:15PM**
23 **who were investigating the incident, Mr. Hesse**
24 **and Mr. Cherry, spoke with the individuals who**
25 **were involved in the altercation with Gary**
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1 **EDWARD PARADISO**
2 was being choked and a police officer came to
3 her rescue and identified himself, now I'm
4 looking at a guy that knew it was a police
5 officer and he decided to attack him anyway. So
6 it changed the story considerably.
7 **Q That wasn't the question. My question 4:45:03PM**
8 **was whether it would be an important element of**
9 **the investigation to get their side of the**
10 **story.**
11 A It would be a part of it. I don't 4:45:12PM
12 think it would be a crucial part of it.
13 **Q How about the guy who was medevaced, 4:45:17PM**
14 **taken away by ambulance, did you ever speak to**
15 **him?**
16 A He's the guy that couldn't remember 4:45:25PM
17 anything.
18 **Q So there were two guys and a woman? 4:45:27PM**
19 A Yeah. 4:45:29PM
20 **Q Did you note in the file that there 4:45:30PM**
21 **were statements from three males?**
22 A I only remember two and a woman. 4:45:37PM
23 **Q If I give you the names, would it ring 4:45:40PM**
24 **a bell who they are?**
25 A Probably not. 4:45:45PM
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1 **EDWARD PARADISO**
2 **Bosetti?**
3 MR. NOVIKOFF: Objection to the form. 4:43:34PM
4 A I would take it for granted that they 4:43:49PM
5 had, but I can't tell you that I remember that
6 they did.
7 **Q Why would you take it for granted that 4:43:54PM**
8 **they had?**
9 A Well, because they had to interview 4:43:56PM
10 them when they processed the arrest paperwork.
11 **Q So you think speaking with them would 4:44:03PM**
12 **be an important part of the investigation?**
13 MR. NOVIKOFF: Objection. 4:44:08PM
14 A I think it would be part. I don't 4:44:15PM
15 think it would be the most important part.
16 **Q Would it be an unimportant part to get 4:44:18PM**
17 **the statement from the other side of the story,**
18 **I think you called it?**
19 A Well, the one person couldn't remember 4:44:29PM
20 much of anything. The one girl, the only thing
21 she would say was that she didn't choke anybody.
22 And the third guy claimed that he knew it was a
23 police officer, and he didn't care, and he went
24 in and pushed him on the ground. So now looking
25 back and when you have a person saying that she
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1 **EDWARD PARADISO**
2 **Q Do you remember speaking to a 4:45:45PM**
3 **Mr. Shallick?**
4 A No. 4:45:48PM
5 **Q Mr. Van Coot? 4:45:48PM**
6 A No. 4:45:49PM
7 **Q Mr. Tesoro? 4:45:50PM**
8 A Mr.? 4:45:51PM
9 **Q Tesoro? 4:45:52PM**
10 A No. 4:45:53PM
11 **Q Did you take any witness statements as 4:46:03PM**
12 **part of the investigation? I know you wanted to**
13 **step back, but did you take any witness**
14 **statements?**
15 MR. NOVIKOFF: Objection. Asked and 4:46:11PM
16 answered.
17 A Yeah, I don't -- if I would've taken 4:46:14PM
18 any, they would be in the folder, but I don't
19 remember taking any.
20 **Q Did you know that Pat Cherry did a 4:46:20PM**
21 **background check on only on the three people who**
22 **were involved in the fight and none of the other**
23 **witnesses?**
24 A I believe you said there were four. 4:46:28PM
25 **Q Well, Gary Bosetti was one and then 4:46:30PM**
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1 **EDWARD PARADISO**
2 **three males.**
3 MR. NOVIKOFF: Objection to the form 4:46:34PM
4 of the question. Is there a question?
5 MR. GOODSTADT: Yeah, I asked if he 4:46:38PM
6 was aware that Pat Cherry testified to the
7 fact that he had only done a background
8 check on the three people involved in the
9 fight and nobody else.
10 MR. NOVIKOFF: Background. Objection 4:46:50PM
11 to the form.
12 A He did a background check -- he ran a 4:46:51PM
13 normal -- when -- I don't recall him telling me
14 that, no.
15 MR. CONNOLLY: Andrew, after this next 4:47:05PM
16 question, can we take a two-minute break?
17 MR. GOODSTADT: Sure can. 4:47:08PM
18 BY MR. GOODSTADT: 4:47:09PM
19 **Q Do you know who Elyse Miller is? 4:47:10PM**
20 A No. 4:47:14PM
21 MR. GOODSTADT: Just a couple of 4:47:20PM
22 questions.
23 BY MR. GOODSTADT: 4:47:21PM
24 **Q Do you know if her statement was 4:47:21PM**
25 **taken?**
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1 **EDWARD PARADISO**
2 **any of the witnesses identifying Gary Bosetti**
3 **using a pool cue that night?**
4 A To tell you the truth, I don't 5:00:30PM
5 remember what they said he used. Just for some
6 reason in my mind, pool cue stuck.
7 **Q Well, if he admits that he used a pool 5:00:37PM**
8 **cue that night, would you find it strange that**
9 **no other eyewitness whose statements were taken**
10 **had mentioned anything about a pool cue?**
11 A Yeah, I would find that strange. 5:00:49PM
12 **Q And do you know whether any of the 5:00:53PM**
13 **eyewitnesses who came forward, whether the**
14 **officers that were investigating the incident**
15 **attempted to find out how much alcohol, if any,**
16 **they had consumed?**
17 A I'm not certain. 5:01:09PM
18 **Q You don't know one way or the other? 5:01:11PM**
19 A No, I don't know one way or of the 5:01:13PM
20 other.
21 **Q Did you ever review the 1042s or the 5:01:22PM**
22 **statements that the on-duty officers prepared**
23 **that evening, prepared about that evening? A**
24 **2042, I should say.**
25 A I'm sure that I did, but I don't 5:01:42PM
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1 **EDWARD PARADISO**
2 A I don't know who she is. 4:47:23PM
3 **Q You never saw a witness -- I'm not 4:47:24PM**
4 **asking whether you know her now. I'm asking**
5 **whether you ever saw any witness statements by**
6 **Elyse Miller.**
7 A I don't recall. 4:47:30PM
8 MR. GOODSTADT: Take a break now. 4:47:32PM
9 THE VIDEOGRAPHER: The time is 4:49. 4:47:34PM
10 We are off the record.
11 (Whereupon, a discussion was held off 4:47:39PM
12 the record.)
13 THE VIDEOGRAPHER: The time is 5:01. 4:59:39PM
14 We're back on the record.
15 BY MR. GOODSTADT: 4:59:42PM
16 **Q I just want to go back to the 4:59:46PM**
17 **Halloween investigation.**
18 **Did you ever read Ian Levine's witness 4:59:50PM**
19 **statement?**
20 A I probably did, but I don't recall 5:00:04PM
21 reading it.
22 **Q In all the witness statements that you 5:00:07PM**
23 **read, other than for the ones that the on-duty**
24 **officers took that night and the one that Gary**
25 **Bosetti and Richard Bosetti wrote, do you recall**
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1 **EDWARD PARADISO**
2 recall them.
3 **Q Did you ever discuss any of those 5:01:45PM**
4 **statements with Mr. Hesse or Mr. Cherry?**
5 A I don't remember. But if they had 5:02:19PM
6 written 42s, they would've been accessible to
7 George anyway. He would've been able to read
8 them.
9 **Q But my question was, did you ever 5:02:30PM**
10 **discuss the 42s with Mr. Hesse or Mr. Cherry?**
11 A I don't remember. 5:02:35PM
12 **Q So you don't recall whether or not 5:02:42PM**
13 **George Hesse gave you his opinion on the 42s**
14 **that these guys wrote?**
15 A No. 5:02:49PM
16 **Q When is the first time you spoke with 5:02:52PM**
17 **Mr. Snyder about the Halloween incident?**
18 A I don't recall when I talked to him. 5:03:37PM
19 It was probably in the morning during the change
20 of tour, but I couldn't tell you when that was.
21 **Q Do you recall the substance of your 5:03:45PM**
22 **conversation or anything that was stated during**
23 **that conversation?**
24 A The only thing that I think I can 5:04:10PM
25 remember discussing with Tommy was that he just
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1 EDWARD PARADISO
2 wanted to make sure that this wasn't just shoved
3 under a rock and covered over.
4 **Q That was the next morning? 5:04:21PM**
5 A I don't know if it was the next 5:04:22PM
6 morning. I wasn't in the next morning.
7 **Q You don't recall when it was in 5:04:27PM**
8 **relation to the incident?**
9 A I don't recall when it was. It had to 5:04:30PM
10 be within a few days of it happening, because
11 all the witness statements hadn't really come in
12 yet. I hadn't gotten the letter from Buddy's
13 wife about it yet. You know, it was still --
14 the process of obtaining the statements was
15 still taking place.
16 **Q Did you ever hear George Hesse refer 5:04:58PM**
17 **to Tom Snyder's report as a piece of shit, his**
18 **42?**
19 A No. 5:05:05PM
20 **Q Did you ever hear the allegation that 5:05:06PM**
21 **somebody had heard George Hesse refer to it as a**
22 **piece of shit?**
23 A No. 5:05:12PM
24 **Q Did you ever hear George Hesse state 5:05:18PM**
25 **that Tom Snyder needed to protect the Bosettis**
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1 EDWARD PARADISO
2 **Q Did you ever learn whether Tom Snyder 5:06:32PM**
3 **spoke with the District Attorney about the**
4 **Halloween incident?**
5 A No. 5:06:38PM
6 **Q Do you know whether Tom Snyder ever 5:06:39PM**
7 **spoke to the District Attorney about the Gilbert**
8 **incident?**
9 A No. 5:06:43PM
10 **Q Do you know whether Joe Nofi ever 5:06:44PM**
11 **spoke to the District Attorney about the Gilbert**
12 **incident?**
13 A No. 5:06:48PM
14 **Q Do you know whether Frank Fiorillo 5:06:48PM**
15 **ever spoke to the District Attorney about the**
16 **Gilbert incident?**
17 A No. 5:06:52PM
18 **Q Did you ever speak with George Hesse 5:07:02PM**
19 **about any of these people speaking to the**
20 **District Attorney about the Gilbert incident?**
21 A George and I really weren't talking 5:07:11PM
22 that much. He really wasn't that thrilled with
23 me, so it wasn't like there was a stream of
24 information coming my way.
25 **Q So the answer is no? 5:07:20PM**
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1 EDWARD PARADISO
2 **rather than the victims?**
3 A No. 5:05:25PM
4 **Q Did you ever hear that allegation that 5:05:26PM**
5 **he had said that?**
6 A We're not in the process of protecting 5:05:30PM
7 one side or another. We're in the process of
8 gaining the facts and telling the truth.
9 **Q I understand. 5:05:39PM**
10 A So it isn't -- it isn't -- we're not 5:05:40PM
11 trying to protect people. We're protecting life
12 and property. We're protecting people when they
13 get hurt, obviously, from further injury. But
14 this wasn't a protection issue. This was
15 getting the story to what exactly took place
16 issue.
17 **Q I understand that. The question I 5:05:56PM**
18 **asked was slightly different. I asked whether**
19 **you ever heard that allegation.**
20 A Who would've said that? 5:06:05PM
21 **Q Anybody. Did you ever hear anybody 5:06:06PM**
22 **say that they heard George Hesse say that Snyder**
23 **needs to protect the Bosettis rather than the**
24 **victims?**
25 A No. 5:06:18PM
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1 EDWARD PARADISO
2 A The answer is no. 5:07:21PM
3 Were they there during the Gilbert 5:07:29PM
4 incident? I don't even know if they were there
5 for it.
6 **Q Do you know whether George Hesse spoke 5:07:39PM**
7 **to the District Attorney about the Halloween**
8 **incident?**
9 A The District Attorney was involved in 5:07:45PM
10 the prosecution of the people that were involved
11 in the Halloween incident. So he had to provide
12 the file to the District Attorney that handled
13 the case. So I would think yes, he had to have
14 talked to the District Attorney's Office.
15 **Q Do you know who at the District 5:08:04PM**
16 **Attorney's Office he spoke to?**
17 A No, I don't. 5:08:07PM
18 **Q Do you know the sum and substance of 5:08:08PM**
19 **any of those discussions?**
20 A No, I don't. 5:08:10PM
21 **Q I just want to go back, just to be 5:08:19PM**
22 **clear on this issue. Did you ever review**
23 **Snyder's 42?**
24 MR. NOVIKOFF: Objection. 5:08:25PM
25 A I'm sure that I did, but I don't 5:08:28PM
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1 EDWARD PARADISO
2 recall what it said.
3 **Q Do you recall what your reaction was 5:08:31PM**
4 **when you read it?**
5 A I don't recall what it said, so I 5:08:35PM
6 don't know what my reaction would be.
7 **Q Did you ever review Fiorillo's 42? 5:08:38PM**
8 A No, I don't recall what it said or 5:08:54PM
9 what my reaction to it was. I wish I had a
10 better memory, I'm sorry.
11 It's very frustrating to continually 5:09:01PM
12 be asked questions of things that I really don't
13 have a clear or any memory of, and I apologize.
14 I'm really not trying to elude your questions or
15 give you answers that, you know, don't mean
16 anything. I just don't remember.
17 MR. NOVIKOFF: Actually, I think your 5:09:23PM
18 answers have been right on.
19 BY MR. GOODSTADT: 5:09:25PM
20 **Q Do you think that your ingestion of 5:09:26PM**
21 **your medication had anything to do with the fact**
22 **that you're not recalling some of this stuff?**
23 MR. NOVIKOFF: Objection to form. 5:09:32PM
24 A I don't know. 5:09:41PM
25 **Q Did Fiorillo ever complain to you that 5:09:42PM**
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1 EDWARD PARADISO
2 A Oh, I don't know. I would take it for 5:10:59PM
3 granted that's where they would do them. We had
4 a file. It was just for 42s, and it kept every
5 single one that everybody typed.
6 **Q Did you ever review Kevin Lamm's 42? 5:11:20PM**
7 A Probably did, but I don't recall what 5:11:27PM
8 it said.
9 **Q Did you ever speak with Lamm about 5:11:29PM**
10 **Halloween?**
11 A I think so. I think -- yeah, I think 5:11:49PM
12 I did. I spoke about it.
13 **Q When did you speak with him about it? 5:11:55PM**
14 A When? 5:11:56PM
15 **Q Yes. 5:11:57PM**
16 A It had to be two or three days after 5:12:06PM
17 the incident.
18 **Q Do you recall the sum and substance of 5:12:12PM**
19 **the discussion that you had with Mr. Lamm?**
20 A No. 5:12:27PM
21 **Q Do you recall anything that was 5:12:28PM**
22 **discussed?**
23 A No. 5:12:43PM
24 **Q Did you ever hear George Hesse state 5:12:44PM**
25 **that Lamm's 42 was not good and it didn't**
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1 EDWARD PARADISO
2 **Hesse told him that he needed to file a new**
3 **statement, a new 42?**
4 A I don't recall that, no. 5:09:50PM
5 **Q Do you recall whether Fiorillo 5:09:52PM**
6 **complained to you that Hesse asked him to revise**
7 **his 42?**
8 A It's very difficult to revise 5:10:04PM
9 statements once you make them, because they're
10 in the computer. They can't be changed. It's
11 password protected. So every point in time that
12 an officer wrote a 42, that was there. It was
13 not going anywhere. If they made a typo, it was
14 there. You couldn't erase them. So it would --
15 it wouldn't be prudent that once you made a
16 statement, to keep revising your statement
17 unless you made a blaring error and you had to
18 make a correction for some reason.
19 **Q Do you know whether their 42s were 5:10:40PM**
20 **done on the station computer?**
21 A They were usually -- 42s are usually 5:10:44PM
22 done on the front desk computer.
23 **Q I'm asking you whether the three 5:10:48PM**
24 **officers who did the 42 that night, whether**
25 **those three were done on the station computer?**
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1 EDWARD PARADISO
2 **reflect what happened?**
3 A I don't recall him making that 5:13:08PM
4 statement, but I find it hard to think that
5 George would. Because I how do you judge a
6 person's statement? This is what they believed
7 to have seen, what the facts that were available
8 to them at the time. And if more information
9 came to light with regards to a situation that
10 wasn't available to them when they wrote the 42,
11 you could say that they didn't have all the
12 information, but you really couldn't complain
13 about how they wrote it or what they added to
14 it.
15 **Q Did you ever discuss Lamm's 42 with 5:13:40PM**
16 **George Hesse?**
17 A I don't recall. 5:13:46PM
18 **Q Did you ever discuss Fiorillo's 42 5:13:47PM**
19 **with Hesse?**
20 A I think you already asked me this, but 5:13:50PM
21 I don't remember discussing it with George.
22 **Q So the same thing with Snyder? 5:13:56PM**
23 A Yes. I'm sorry, guys, I just don't 5:14:03PM
24 remember.
25 **Q There came a point in time that some 5:14:09PM**
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EDWARD PARADISO
of the individuals involved in the Halloween
incident were arrested; is that correct?

A Yes. Yes. Once the remainder of the 5:14:21PM
witness statements were taken and the young lady
who had gotten choked gave her version of the
story, they wrote up criminal complaints for the
people who were involved. And they were sent
criminal summonses to come to court, and they
read the informations. They brought -- I think
they brought attorneys with them. It would be
silly not to. I'm pretty silly myself. And
they worked out -- with the amount of
information they had with all the witness
statements, they pled guilty to whatever charges
they could work out.

Q Who was the arresting officer? 5:15:18PM

A I'm thinking George. I'm not sure. 5:15:33PM

Q So you don't know one way or the 5:15:36PM
other?

A I'm not certain. Any police officer 5:15:38PM
can make the arrest when they have information
and belief. You don't have to be at the scene
to make the arrest. As the investigation goes
on, whoever is handling the investigation can

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EDWARD PARADISO

make the arrest. So it was either Pat or
George. If you're telling me that Pat was still
working as a police officer, then maybe Pat was
the arresting officer. I'm not certain.

Q Would it have been appropriate to send 5:16:04PM
Gary Bosetti out to be the arresting officer?

MR. NOVIKOFF: Objection to the form. 5:16:16PM

A What do you mean by appropriate? 5:16:19PM

Q Is that something that you would have 5:16:21PM
considered good practice?

MR. NOVIKOFF: Objection. 5:16:29PM

A Well, he did have firsthand knowledge 5:16:52PM
of what took place in the bar because he was
there when it took place. So to have the
arresting officer who witnessed everything there
as the arresting officer, it would not have been
inappropriate for him to make the arrest.

Q And did the people who came in that 5:17:20PM
next morning, the two males and the female, did
they ever file any charges or press any charges
against Gary Bosetti?

A No. 5:17:30PM

Q Do you know why they didn't? 5:17:30PM

MR. NOVIKOFF: Objection. 5:17:33PM

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EDWARD PARADISO

A I don't know why they didn't. 5:17:34PM

Q Did you attend the court appearance 5:17:35PM
for any of the people who were arrested?

A No. 5:17:41PM

Q Do you believe that the three on-duty 5:17:56PM
officers had it out for Gary Bosetti?

A Why would they have -- 5:18:04PM

MR. NOVIKOFF: Objection. 5:18:05PM

A Why would they have it out for Gary 5:18:06PM
Bosetti?

Q I'm asking you whether you believe 5:18:09PM
that they did.

A No. 5:18:11PM

Q Was there anything, in your estimation 5:18:20PM
as the chief of police, that the three on-duty
officers should have done that evening that they
didn't?

MR. NOVIKOFF: Objection. 5:18:28PM

A The only thing that I think the -- 5:18:52PM
that should've taken place that didn't was that
Gary and Richie should've been at the police
station during the entire event because they
took police action. They should've been the
officers making reports. They should've been

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EDWARD PARADISO

making arrests. It's not up to Tom Snyder,
Frank Fiorillo or Kevin Lamm to order these guys
to do these things. They weren't their superior
officers. So when the initial event took place,
I thought they went out of their way to make
sure the person who had gotten injured was
safeguarded and got proper medical care, and I
found no fault with that. They were more
interested in making sure that that person got
the care that he needed. And I think when
you're looking at what's right and what's
important, that was the most important thing
that took place, and that's what they did.

Q I just want to go back to your first 5:20:16PM
half of that answer. I think you testified that
the one thing that you thought should've been
done was that Gary and Richard Bosetti should
have been at the station the whole time and
taking statements; is that correct?

A They should've been more involved in 5:20:31PM
the procedure.

Q Was that the fault of, in your 5:20:33PM
estimation, the three on-duty officers or the
fault of Gary and Richard Bosetti?

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1 **EDWARD PARADISO**
2 A That was the fault of Gary and Richard 5:20:43PM
3 Bosetti.
4 **Q Okay. And as a chief of police, would 5:20:46PM**
5 **you have done anything differently than what the**
6 **three on-duty officers did that evening?**
7 MR. NOVIKOFF: Objection to form. 5:20:54PM
8 A If I was working while this took 5:20:55PM
9 place?
10 **Q Yes. 5:20:57PM**
11 A Well, as chief of police, I would've 5:20:58PM
12 made sure that Gary and Richie came back to the
13 police station, and I would've -- I have a
14 different rapport with the people of the
15 village, since I was there for such a long time.
16 I would've been able to probably get more
17 statements out of the people that were there
18 from my relationship with them over time. And I
19 think that probably it would've surfaced -- I
20 would've gotten a statement from Buddy's wife,
21 and I would've gotten more information just from
22 the mere fact that as chief, more people talk to
23 me and they know that I'm going to want to know
24 what happened --
25 **Q Okay. 5:21:54PM**
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1 **EDWARD PARADISO**
2 remember what had taken place wasn't even at the
3 bar when they arrived. They had to go out and
4 search for him. They didn't know if they were
5 going to find him in a bush or something. So
6 they -- they were trying to do their best to
7 make sure that he was okay. I mean, I can't
8 find fault with that.
9 **Q Do you find fault with anything they 5:23:12PM**
10 **did that evening?**
11 MR. NOVIKOFF: Objection. 5:23:15PM
12 A The only fault I could've found is 5:23:23PM
13 that I didn't get a call or George didn't get a
14 call at 3:00 in the morning when it all took
15 place. It was my calling in to let them know
16 that I wasn't coming in to find out what
17 happened at 8:00 in the morning or 7:30,
18 whenever I called. I should've gotten a call
19 right away. If they knew that one of the
20 officers was involved, they should've reached
21 out to a supervisor right away, either myself or
22 George.
23 **Q Other than that, did you find fault 5:23:54PM**
24 **with anything else they did that night?**
25 MR. NOVIKOFF: Note my objection. 5:23:58PM
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1 **EDWARD PARADISO**
2 A -- and I'm going to expect them to 5:21:54PM
3 tell me. I would rely on that relationship that
4 I've had with them for all these years. It's
5 harder for officers that aren't there as much or
6 have a different type of relationship with these
7 people to get them to come forward sometimes.
8 **Q Okay. 5:22:11PM**
9 A So that -- that's what I would've done 5:22:12PM
10 differently had I been there.
11 **Q Right. But just so I'm clear, the 5:22:16PM**
12 **first piece of getting Gary and Richie to come**
13 **back, I think you testified that the three of**
14 **them didn't have the authority to do that,**
15 **right?**
16 MR. NOVIKOFF: Objection. 5:22:27PM
17 A They weren't commanding officers over 5:22:27PM
18 these officers, and I don't -- I don't even know
19 if Richie or Gary -- I don't know if Gary was
20 there when they arrived. I don't know if they
21 ever saw Gary. I don't recall. So Gary might
22 have just relied on his brother to find out what
23 was going on, and I don't know. I don't know if
24 they had access to that.
25 A lot of -- this guy that didn't 5:22:50PM
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1 **EDWARD PARADISO**
2 A No. I think they did the best that 5:24:09PM
3 they could. They wanted -- they tried to do
4 their best job.
5 **Q Did you ever hear George Hesse refer 5:24:19PM**
6 **to Kevin Lamm as either being homosexual or gay**
7 **or anything to that effect?**
8 A At the Halloween incident? 5:24:35PM
9 **Q Ever. We're off the Halloween 5:24:37PM**
10 **incident now.**
11 A Oh. No. 5:24:41PM
12 MR. GOODSTADT: Can you mark this. 5:24:48PM
13 MR. NOVIKOFF: Number 10? 5:24:53PM
14 MR. GOODSTADT: Yes. 5:24:54PM
15 (Whereupon, Bates document 925 was 5:24:58PM
16 marked as Plaintiff's Exhibit 10 for
17 identification, as of this date.)
18 MR. GOODSTADT: I've placed in front 5:25:29PM
19 of Mr. Paradiso what's now been marked as
20 Paradiso 10. It's a one-page exhibit Bates
21 numbered P 925.
22 BY MR. GOODSTADT: 5:25:38PM
23 **Q Mr. Paradiso, have you ever seen this 5:25:39PM**
24 **exhibit?**
25 A No, I have not. And as a matter of 5:25:41PM
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1 EDWARD PARADISO
2 fact, I'm offended that my name is even on it.
3 All right? Number one, 516 exchange changed so
4 many years ago that I don't even believe Kevin
5 was working when there was a 516 exchange.
6 Secondly, these patches and everything 5:25:57PM
7 else are new patches, so they're put on
8 something that's old, because I don't know where
9 you get 516 from.
10 And I don't even have a comment for 5:26:13PM
11 this. This is ridiculous.
12 **Q If you had learned that George Hesse 5:26:25PM**
13 **had given this to Kevin Lamm, do you think that**
14 **would be grounds for discipline for George**
15 **Hesse?**
16 A Yes. 5:26:32PM
17 **Q Okay. 5:26:34PM**
18 MR. GOODSTADT: Just mark this. 5:26:56PM
19 (Whereupon, a photocopy was marked as 5:26:58PM
20 Plaintiff's Exhibit 11 for identification,
21 as of this date.)
22 MR. GOODSTADT: I've placed in front 5:27:35PM
23 of Mr. Paradiso what's been marked as
24 Paradiso Exhibit 11. It's a two-page
25 exhibit. The first page says, "Prepare to
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1 EDWARD PARADISO
2 be Snyderized," with "Snyder" crossed out,
3 saying "woman." And Page 2 says, "whore
4 Lamminated," with "Lamm" crossed out with
5 the word "fag" written.
6 BY MR. GOODSTADT: 5:27:55PM
7 **Q Mr. Paradiso, have you ever seen the 5:27:55PM**
8 **writing that's depicted here on Paradiso 11?**
9 A No. 5:28:03PM
10 **Q You don't recall seeing this on the 5:28:04PM**
11 **wall of the police station?**
12 A No. 5:28:08PM
13 **Q Okay. If you found out who -- strike 5:28:09PM**
14 **that.**
15 **If this was on the wall and you found 5:28:16PM**
16 **out who had done that, would that be grounds for**
17 **discipline?**
18 MR. NOVIKOFF: Assuming it was a 5:28:23PM
19 police officer?
20 MR. GOODSTADT: Yes. 5:28:25PM
21 MR. NOVIKOFF: Okay. 5:28:25PM
22 A Yes. 5:28:29PM
23 **Q Let's just go back to -- strike that. 5:28:30PM**
24 **Do you recall this handwriting ever on 5:28:34PM**
25 **the bathroom wall at the police station?**
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1 EDWARD PARADISO
2 A This? 5:28:40PM
3 **Q Yes. 5:28:40PM**
4 A No. 5:28:41PM
5 **Q Let's just go back to Paradiso 10, the 5:28:42PM**
6 **Kevin Lamm business card.**
7 A Yeah. 5:28:48PM
8 **Q If George Hesse had given -- if you 5:28:49PM**
9 **learned that George Hesse had given him that, I**
10 **know you said it would be grounds for**
11 **discipline. Would it be grounds for**
12 **termination?**
13 MR. NOVIKOFF: Objection. 5:29:00PM
14 MR. CONNOLLY: Objection. 5:29:01PM
15 A It would be grounds for a 5:29:46PM
16 psychological review, because you'd have to be
17 out of your mind to give this to somebody. You
18 know, I don't know how to answer it. This stuff
19 is ridiculous.
20 **Q Was there a policy in Ocean Beach at 5:30:03PM**
21 **any point in time when you were the chief**
22 **regarding officers drinking while on duty?**
23 A Yeah, officers can't drink on duty. 5:30:14PM
24 **Q Is that a written policy? 5:30:16PM**
25 A Yes. 5:30:17PM
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1 EDWARD PARADISO
2 **Q How about with respect to off-duty 5:30:20PM**
3 **officers drinking at bars in the Village of**
4 **Ocean Beach?**
5 A When I first started in Ocean Beach, 5:30:36PM
6 police officers weren't allowed to go into the
7 bars off duty.
8 MR. NOVIKOFF: I'm sorry. Your hand 5:30:42PM
9 is in the way.
10 THE WITNESS: Sorry. 5:30:45PM
11 A When I first started working in Ocean 5:30:45PM
12 Beach back in 1982, police officers weren't
13 allowed to go into the bars off duty. If they
14 were going to go out, they had to go out into a
15 different part of Fire Island. They couldn't go
16 to the bars in Ocean Beach.
17 **Q Did that change, that policy? 5:31:00PM**
18 A That policy changed over time. We had 5:31:01PM
19 an older department. I found no reason why
20 adult officers couldn't be trusted to act
21 themselves -- act in an appropriate way even if
22 they were in a restaurant or a bar at night. I
23 expected they would always act in an appropriate
24 manner. I treated them like adults.
25 **Q Did you ever issue a directive on that 5:31:38PM**
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1 **EDWARD PARADISO**
2 **issue about off-duty officers drinking in a bar?**
3 A No. Not that I recall. 5:31:42PM
4 **Q Did you ever address the issue at any 5:31:46PM**
5 **meetings while you were the chief of police?**
6 A If I did, I would've said it just that 5:31:54PM
7 way.
8 **Q But you don't recall one way or the 5:31:57PM**
9 **other whether you did?**
10 A I don't recall. 5:32:00PM
11 **Q How about during an officer's meal 5:32:00PM**
12 **breaks?**
13 A To go into a bar and have a drink? 5:32:04PM
14 **Q Yes. 5:32:06PM**
15 A During a meal break? 5:32:07PM
16 **Q Yes. 5:32:09PM**
17 A No, they weren't allowed to do that. 5:32:09PM
18 **Q And is that a terminable offense if 5:32:11PM**
19 **they did that?**
20 A Terminating -- a terminating offense? 5:32:15PM
21 **Q A terminable offense. 5:32:19PM**
22 A Terminable. 5:32:21PM
23 Yeah. If I became aware of it, yeah. 5:32:22PM
24 It's a dangerous offense.
25 **Q How about having a drink with your 5:32:25PM**
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1 **EDWARD PARADISO**
2 Never on duty. And I don't recall 5:33:56PM
3 ever off duty.
4 **Q Were there any policies with respect 5:34:03PM**
5 **to drinking in the station while off duty?**
6 A I don't think I have a written policy, 5:34:19PM
7 but I never saw the need to have to have a
8 written policy. I mean, I never wrote a policy
9 saying don't shoot yourself in the foot while
10 you're walking down the street. There's a
11 certain line of common sense that takes place
12 when you work at a police station. There are
13 certain things that you aren't allowed to do.
14 **Q And that's one of them? 5:34:38PM**
15 A I would think that that would be one 5:34:39PM
16 of them, yeah.
17 **Q So just so I'm clear, drinking in the 5:34:41PM**
18 **station while off duty is one of those things**
19 **that's such common sense that you can't do it**
20 **that you didn't require to write a written**
21 **policy on; is that correct?**
22 A Yeah. I mean, sometimes if a guy was 5:34:52PM
23 coming off the boat, he's -- maybe he's not
24 working for an entire day and he walks into the
25 police station and he's talking with a few of
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1 **EDWARD PARADISO**
2 **meal before getting on duty?**
3 A How much before? 5:32:31PM
4 **Q Is there a line of demarcation that 5:32:35PM**
5 **you draw?**
6 A Yeah. The human body can filter one 5:32:38PM
7 ounce of alcohol per hour. So if you have a
8 drink at 10:00 and you're not scheduled to come
9 onto work until 4, one drink would not be
10 something that I would be overly concerned
11 about. But the human body should be able -- you
12 wouldn't be impaired to drive after one drink.
13 That time frame wouldn't be a problem. Not that
14 I would be happy to hear about it or if I went
15 and talked to the officer after it took place,
16 saying, listen, it's not a good idea to drink
17 before you come on duty, please stop.
18 **Q Did you ever witness any officers 5:33:20PM**
19 **drinking while they were on duty?**
20 A No. 5:33:23PM
21 **Q Did you ever witness any officers 5:33:23PM**
22 **having any drinks in the station, whether on**
23 **duty or off duty?**
24 A You're talking in the course of 26 5:33:43PM
25 years. Give me a little time to think.
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1 **EDWARD PARADISO**
2 the guys and he has beers with him, if he took a
3 sip of the beer while he's in the police station
4 and then he was going off to wherever he was
5 staying, I wouldn't be, like, you know, are you
6 out of your mind, you're fired. But it wasn't
7 like that would take place on a normal basis
8 anyway. So unless you're going to come up with
9 a piece of paper or a picture of somebody having
10 a beer in the police station, I would say no, it
11 wasn't a normal course of action.
12 **Q Did anybody ever complain to you that 5:35:31PM**
13 **officers were drinking on duty?**
14 A No. 5:35:34PM
15 **Q Did anyone ever complain to you that 5:35:35PM**
16 **officers were drinking in the station?**
17 A No. 5:35:38PM
18 **Q After the Halloween incident, did Tom 5:35:50PM**
19 **Snyder complain to you that the Bosettis drank**
20 **while they were on duty?**
21 A I don't remember him saying that to 5:36:02PM
22 me.
23 **Q Did Tom Snyder ever tell you he had to 5:36:03PM**
24 **relieve them -- strike that.**
25 **Did anyone ever tell you that they had 5:36:08PM**
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1 **EDWARD PARADISO**
2 **to relieve the Bosettis at a bar at the end of**
3 **their tour?**
4 MR. NOVIKOFF: Objection to form. 5:36:14PM
5 A Relieve them at a bar? 5:36:15PM
6 **Q Yes. 5:36:16PM**
7 A No. 5:36:17PM
8 **Q Did Tom Snyder ever complain to you 5:36:32PM**
9 **that the Bosettis would leave him at the station**
10 **while they would go to a bar with the police**
11 **cell phone?**
12 MR. NOVIKOFF: Objection to the form. 5:36:41PM
13 A No. 5:36:42PM
14 MR. NOVIKOFF: The answer was no? 5:36:49PM
15 THE WITNESS: No. 5:36:50PM
16 **Q Did Mr. Fiorillo ever complain to you 5:36:56PM**
17 **that the Bosettis were drinking in the bars at**
18 **Ocean Beach?**
19 A On duty? 5:37:04PM
20 **Q Either on duty or off duty. 5:37:05PM**
21 A What do you mean by complain? Do you 5:37:18PM
22 mean like I had a real problem with the
23 Bosettis, they were drunk in a bar or Gary was
24 drunk in a bar, what's up with that? I don't
25 understand what you mean.
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1 **EDWARD PARADISO**
2 A Speak to him about what? 5:39:01PM
3 **Q About any complaints that Snyder may 5:39:02PM**
4 **have brought to your attention.**
5 MR. NOVIKOFF: Objection. Asked and 5:39:09PM
6 answered.
7 A It wouldn't be appropriate for Tom to 5:39:09PM
8 come to me if George was working. If there was
9 a problem, he should go to George first.
10 **Q Did Ed Carter ever complain to you 5:39:23PM**
11 **that Ty Bacon was drinking?**
12 A No. 5:39:28PM
13 **Q Do you know what a rocket fuel is? 5:39:33PM**
14 A Yeah. 5:39:34PM
15 **Q Did you ever hear that rocket fuels 5:39:36PM**
16 **were delivered to the police station for**
17 **off-duty officers to drink?**
18 A No. Bars don't have a license to sell 5:39:42PM
19 drinks to go.
20 **Q Say that again. 5:39:54PM**
21 A Bars don't have a license to sell 5:39:55PM
22 drinks to go.
23 **Q How about if they didn't sell it, they 5:39:58PM**
24 **just gave it to them?**
25 A Even then. Even then. They're 5:40:03PM
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1 **EDWARD PARADISO**
2 **Q Either one. 5:37:31PM**
3 MR. NOVIKOFF: Objection to the form. 5:37:32PM
4 A I don't recall them complaining about 5:37:33PM
5 anything like that.
6 Was I working at a different place? 5:37:46PM
7 **Q Did Fiorillo ever complain to you that 5:37:48PM**
8 **he had to get Walter Moeller out of a bar while**
9 **he was on duty to go to a drug overdose case?**
10 A No. That Walter was on duty while 5:37:59PM
11 this was taking place?
12 **Q Yes. 5:38:11PM**
13 A No. No, I don't remember anything 5:38:11PM
14 like that.
15 **Q Did Snyder complain to you that the 5:38:21PM**
16 **Bosettis were not answering the radio codes?**
17 A I don't recall that either. 5:38:33PM
18 **Q Did Snyder complain to you that beer 5:38:34PM**
19 **cans were left in the police vehicle?**
20 A No. 5:38:39PM
21 **Q Did you ever tell Snyder that when 5:38:42PM**
22 **George Hesse is in charge, he has to speak with**
23 **him because it's his tour?**
24 MR. NOVIKOFF: Objection. Asked and 5:38:50PM
25 answered.
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1 **EDWARD PARADISO**
2 licensed for on-premise consumption.
3 **Q Did any of the five plaintiffs in this 5:40:13PM**
4 **case complain to you that Hesse forced them to**
5 **clean up cups and other drinking debris in the**
6 **station?**
7 A Alcoholic drinking debris you mean? 5:40:26PM
8 **Q Yes. 5:40:28PM**
9 A You could have alcoholic drinking 5:40:29PM
10 debris in the police station from the people
11 that you bring in for drinking on walks. So
12 there could be debris in the police station, but
13 it's not from the officers. It's from the
14 people who may be getting summonsed for open
15 alcoholic beverages. We had people walking past
16 the police station all the time carrying beers
17 or whatnot. We wouldn't let them leave again
18 with the beers. The beers would be either
19 dumped into the sink and thrown out or whatever.
20 But there could be times when that stuff is
21 around the police station, but I wouldn't think
22 that it was from the police officers that were
23 on duty and off duty.
24 **Q Did any of them ever complain that 5:41:04PM**
25 **they had to clean up the drinking refuse that**
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EDWARD PARADISO

was left there?

A Not that I recall. 5:41:07PM

**Q What would be done with beer that was 5:41:11PM
confiscated from people on the beach, for
example?**

A The majority of the time, I would say 5:41:19PM
when I confiscated beer, I would pop the bottoms
of the cans right up on the beach and empty it
into the garbage pail and then throw the beer
out.

**Q Would it be appropriate for the 5:41:34PM
officers to drink beer that was confiscated?**

MR. NOVIKOFF: Objection. 5:41:40PM

A It would be -- it wouldn't be the 5:42:12PM
normal course of business, but if it had
happened, it wouldn't be the most
earth-shattering thing.

**Q Would it surprise you to learn that it 5:42:38PM
happened frequently?**

MR. NOVIKOFF: Objection to the form. 5:42:41PM

A It would surprise me to learn that it 5:42:45PM
happened frequently, yes.

Q If Ty -- withdrawn. 5:42:50PM

Did you ever drink a confiscated beer? 5:42:53PM

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EDWARD PARADISO

A I don't drink beer. 5:42:55PM

**Q So if Ty Bacon testified that he 5:42:56PM
personally witnessed you drinking a confiscated
beer, he would be lying?**

A Yes, he would be. 5:42:59PM

**Q Are there any policies with respect to 5:43:00PM
officers drinking in the police truck?**

A While they're on duty? 5:43:29PM

**Q Or off duty. I assume it's covered by 5:43:31PM
the drinking on duty policy we discussed before.**

So let's focus on off duty.

A There were no -- I don't think I had a 5:43:47PM
policy about that.

**Q Did you have any policy about drinking 5:43:55PM
in the barracks?**

A No. 5:43:58PM

**Q So officers were free to drink in the 5:44:01PM
barracks?**

MR. NOVIKOFF: Again, off duty? 5:44:03PM

MR. GOODSTADT: Off duty. 5:44:05PM

A Yeah. 5:44:05PM

**Q Are off-duty officers free to drink in 5:44:07PM
the police truck?**

A I didn't have a policy on that. 5:44:19PM

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EDWARD PARADISO

Q Were they free to do it? 5:44:21PM

MR. NOVIKOFF: Objection. 5:44:24PM

A Not if they were driving. 5:44:32PM

Q How about if they were passengers? 5:44:34PM

A They shouldn't be drinking in a 5:44:37PM
vehicle that's moving. So I would say no,
they're not free to do it.

**Q So that's a law, that they can't have 5:44:43PM
an open container in a moving vehicle?**

A It's a New York State law. 5:44:48PM

**Q So it would be a violation of law if 5:44:49PM
they had done that, correct?**

A It would be a violation if anybody did 5:44:52PM
that.

**Q Right. Just so I'm clear, would that 5:44:55PM
be one of those incidents that would be so
obviously inappropriate that you didn't need a
policy on it?**

A What do you mean by "one of those"? 5:45:14PM

**Q I believe before you testified that 5:45:16PM
there were certain things, like shooting
yourself in your foot, that are so obviously
wrong that you didn't need a written policy.**

A Right. 5:45:27PM

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EDWARD PARADISO

Q Do you remember you testified to that? 5:45:27PM

A Yeah. 5:45:28PM

**Q Would an-off duty officer drinking 5:45:29PM
alcohol in the police truck, as passengers, is
that one of those --**

A It would be inappropriate for anyone 5:45:38PM
to drink alcohol as a passenger in a motor
vehicle, and police officers are held to a
higher standard. So it would be one of those
policies that don't have to be written. It
would be understood that that is something that
shouldn't be done.

**Q Did any of the five plaintiffs in this 5:45:58PM
case ever complain to you that George Hesse had
required them to drive them places while they
were on duty?**

MR. NOVIKOFF: Drive the plaintiffs 5:46:09PM
places?

MR. GOODSTADT: The plaintiffs drive 5:46:11PM
George Hesse.

MR. NOVIKOFF: George. 5:46:13PM

MR. GOODSTADT: Right. 5:46:14PM

BY MR. GOODSTADT: 5:46:17PM

Q On non-police business. 5:46:18PM

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1 **EDWARD PARADISO**
2 A No. 5:46:20PM
3 **Q None of them ever complained to you? 5:46:21PM**
4 A No. 5:46:22PM
5 **Q Did any of the plaintiffs ever 5:46:23PM**
6 **complain to you that George Hesse required them**
7 **to drive off-duty officers to the checkpoint**
8 **while they were on duty?**
9 A Well, it would be normal to drive 5:46:35PM
10 off-duty officers to the checkpoint. They're
11 going off duty. Especially if you needed the
12 truck back, the guys that were going off duty
13 would be driven off by somebody who was on duty,
14 and then they'd bring the truck back. I mean, I
15 don't understand exactly what you mean.
16 **Q Well, would it leave the village short 5:46:52PM**
17 **of police officers if one of the on-duty**
18 **officers drove to the checkpoint? My**
19 **understanding is it takes between 15 and 20**
20 **minutes to get there and 15 to 20 minutes back;**
21 **is that correct?**
22 MR. NOVIKOFF: What's the question? 5:47:05PM
23 MR. GOODSTADT: I just want to -- 5:47:06PM
24 let's just go to the second question.
25 MR. NOVIKOFF: Okay. 5:47:06PM
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1 **EDWARD PARADISO**
2 to open himself up to his deposition?
3 THE WITNESS: I'm sorry. 5:48:17PM
4 MR. NOVIKOFF: No, that's okay. I'm 5:48:18PM
5 kidding.
6 A I don't -- I'm not sure which Mitch 5:48:21PM
7 Burns you're talking about. I knew a guy named
8 Mitch, but I don't know if his last name is
9 Burns.
10 **Q Was Mitch a property owner on Ocean 5:48:31PM**
11 **Beach?**
12 A Yeah. I think he had a house on Ocean 5:48:34PM
13 Breeze or Evergreen.
14 **Q Did you ever hear that any Mitch was 5:48:39PM**
15 **alleged to have been a drug dealer --**
16 A No. 5:48:44PM
17 **Q -- in Ocean Beach? 5:48:44PM**
18 **Did there come a point in time where 5:48:48PM**
19 **an incident where there was a file cabinet**
20 **thrown into the Great South Bay?**
21 A Yes. 5:48:55PM
22 **Q Okay. Tell me how did you learn about 5:48:56PM**
23 **that.**
24 A I walked out of my house, and I saw it 5:48:58PM
25 in the bay.
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1 **EDWARD PARADISO**
2 BY MR. GOODSTADT: 5:47:06PM
3 **Q Does it take about 15 or 20 minutes to 5:47:07PM**
4 **get there and 15 to 20 minutes to get back; is**
5 **that correct?**
6 A Yeah. 5:47:13PM
7 **Q Okay. So I guess the question is 5:47:13PM**
8 **whether any complained to you that they're**
9 **required to drive the off-duty police officers**
10 **and it would leave the village short an officer**
11 **for 30 to 40 minutes.**
12 MR. NOVIKOFF: Objection. Asked and 5:47:26PM
13 answered.
14 A No, none of them ever complained about 5:47:29PM
15 that.
16 **Q Do you know who Mitch Burns is? 5:47:40PM**
17 A Is this the Mitch that invented the 5:47:50PM
18 triangle ball?
19 **Q I'm not sure. What's a triangle ball? 5:48:00PM**
20 A I don't know. 5:48:04PM
21 THE WITNESS: Frank -- did he invent 5:48:05PM
22 the triangle ball game, that guy, Mitch? Is
23 this the same Mitch Burns you're talking
24 about?
25 MR. NOVIKOFF: Does Mr. Fiorillo want 5:48:14PM
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1 **EDWARD PARADISO**
2 **Q When was that? 5:49:01PM**
3 A On Bay Walk and Cottage. 5:49:04PM
4 **Q When? When did this happen? 5:49:07PM**
5 A When? It was during the summer one 5:49:10PM
6 year. I forget which year.
7 **Q What was your reaction when you saw it 5:49:17PM**
8 **in the Great South Bay?**
9 A I was furious. 5:49:20PM
10 **Q How come? 5:49:23PM**
11 A Because they threw a file cabinet in 5:49:30PM
12 the Great South Bay.
13 **Q Who did? 5:49:33PM**
14 A Gary and Rich Bosetti. 5:49:34PM
15 **Q Do you know what was in the file 5:49:36PM**
16 **cabinet?**
17 A It was empty. 5:49:38PM
18 **Q How do you know that? 5:49:40PM**
19 A Because it was kept empty in the 5:49:41PM
20 barracks.
21 **Q Do you know when it was brought to the 5:49:45PM**
22 **barracks?**
23 A When? 5:49:47PM
24 **Q Yeah. 5:49:48PM**
25 A It was brought up to the barracks 5:49:48PM
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1 EDWARD PARADISO
2 probably year or two before that.
3 **Q How did you learn that the Bosettis 5:50:02PM**
4 **threw it in?**
5 A They came and they told me. 5:50:05PM
6 **Q When did they tell you? 5:50:06PM**
7 A After I went down to the police 5:50:08PM
8 station to try to find out why one of our file
9 cabinets -- it was a two-tier high file
10 cabinet -- was in the bay.
11 **Q And what did they say? 5:50:17PM**
12 A And they had -- there was, I guess, 5:50:19PM
13 some sort of angst going on in the barracks.
14 Somebody had put something in their bed. They
15 put something in somebody else's bed. And then
16 the next thing you know, somebody put the file
17 cabinet in their bed, so they took the file
18 cabinet and threw it in the bay.
19 **Q Who put something in their bed? 5:50:48PM**
20 A I don't know. 5:50:50PM
21 **Q And whose bed did they put something 5:50:50PM**
22 **into?**
23 A I'm not sure. All I know is that my 5:50:53PM
24 file cabinet ended up in the bay and I got a
25 bunch of adult men acting like three-year-old
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1 EDWARD PARADISO
2 **Q You do or you don't? 5:52:30PM**
3 A I don't believe so. 5:52:31PM
4 **Q Is it possible that Frank Fiorillo 5:52:32PM**
5 **actually carried up the file cabinet to the**
6 **barracks that day?**
7 MR. NOVIKOFF: Before it went in the 5:52:40PM
8 water?
9 A Before it went in the water? 5:52:41PM
10 MR. GOODSTADT: The day that it went 5:52:43PM
11 into the water, did he carry did it up to
12 the barracks.
13 A That day? 5:52:47PM
14 MR. GOODSTADT: He testified it was 5:52:47PM
15 one to two years.
16 MR. NOVIKOFF: So the question is, 5:52:49PM
17 before the file cabinet was thrown in the
18 water, could it be possible that
19 Mr. Fiorillo carried the file cabinet up to
20 the second floor?
21 MR. GOODSTADT: That day. As opposed 5:52:59PM
22 to being one to two years.
23 MR. NOVIKOFF: Got it. 5:53:04PM
24 A I don't see that as possible. 5:53:10PM
25 **Q Is it possible that it's a different 5:53:12PM**
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1 EDWARD PARADISO
2 kids, and I wasn't happy about it in the least
3 little bit.
4 **Q Okay. When you say a bunch of adult 5:51:11PM**
5 **men, are you referring to Gary and Richard**
6 **Bosetti as part of that group?**
7 A Uh-huh. Yes. 5:51:18PM
8 **Q Who else were you referring to in that 5:51:19PM**
9 **group?**
10 A I'm not exactly certain who else was 5:51:21PM
11 involved. But there was -- it was kind of -- it
12 was like, you know, seemed like a horseplay
13 going on between them all, and it just went one
14 step further than it should've, you know. You
15 got adults that are living together, working
16 together, and they get into the practical joke
17 mode. And I refused to be their camp counselor.
18 I was just very disappointed at everyone
19 involved.
20 **Q Are you sure that that file cabinet 5:52:06PM**
21 **was up there for one to two years?**
22 A Yeah, about that. 5:52:11PM
23 **Q Did you ever speak with Frank Fiorillo 5:52:14PM**
24 **about the incident?**
25 A I don't know. I don't believe so. 5:52:27PM
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1 EDWARD PARADISO
2 **file cabinet they threw than the one that you**
3 **thought was up there that was empty for one to**
4 **two years?**
5 A We didn't have that many file 5:53:20PM
6 cabinets, but it would -- it would shock me if
7 Frank under oath testified that it was the exact
8 same file cabinet that went up earlier that day,
9 because I know Frank wouldn't lie under oath.
10 But as far as I am concerned, the way I remember
11 it, that file cabinet was up there empty for
12 quite a period of time.
13 **Q Did you keep -- strike that. 5:53:59PM**
14 **Were there ever any surveillance 5:54:01PM**
15 **cameras in the station while you were the chief?**
16 A Yes. 5:54:06PM
17 **Q Where did you keep the tapes from the 5:54:07PM**
18 **surveillance cameras?**
19 A We had large cabinets for tapes. They 5:54:10PM
20 were like five feet wide with a handle, they
21 open up, and they were lined up.
22 **Q Where did you keep the fingerprinting 5:54:22PM**
23 **cards?**
24 A Fingerprinting cards were in a black 5:54:24PM
25 file cabinet inside the police station, already
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1 EDWARD PARADISO
2 set up inside folders, prepackaged arrest
3 folders. So everything was set up like that.
4 We didn't maintain a file base of fingerprint
5 cards on our own. We would have no reason to
6 keep fingerprint cards.
7 **Q And how did the file cabinet get out 5:54:46PM**
8 **of the bay?**
9 A I either had someone from the 5:54:55PM
10 maintenance department fetch it out or a couple
11 of the dock masters, maybe the lifeguards. I
12 don't recall.
13 **Q And did you see -- check to see if 5:55:03PM**
14 **anything was in it when it was fished out?**
15 A It was empty when it went in, and it 5:55:10PM
16 was empty when it came out.
17 **Q Did you check it when it came out? 5:55:14PM**
18 A Yes. 5:55:16PM
19 **Q When did you check it after it came 5:55:16PM**
20 **out?**
21 A I was standing there when they pulled 5:55:16PM
22 it out.
23 **Q Did you ever discipline the Bosettis 5:55:20PM**
24 **for throwing the cabinet into the bay?**
25 A I didn't formally discipline them. I 5:55:42PM
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1 EDWARD PARADISO
2 **having that conversation?**
3 A Not verbatim, no. 5:56:57PM
4 **Q Do you know who Dave Gurden is? 5:57:01PM**
5 A Dave Gurden, yes. He was a Suffolk 5:57:04PM
6 County homicide detective, and I hired him to
7 work after he retired from the county.
8 **Q When was that, the hiring of him? 5:57:14PM**
9 A Oh Jeez. When did I hire him? Let's 5:57:17PM
10 see. I left in 2005, he was there. 2004. So I
11 brought him on probably the summer of 2004 and
12 '5, I think.
13 **Q Was he a good police officer? 5:57:36PM**
14 A Yeah, Dave was okay. He -- he was 5:57:41PM
15 very appreciative of being back on the job, and
16 he was a very -- he was an older gentleman,
17 okay, because he had had a long career with the
18 Suffolk County Police Department, and he was a
19 very good people type person. He was everywhere
20 and everywhere at the same time, you know. He
21 would always be on a random patrol. He got to
22 know the shopkeepers pretty quick, you know.
23 And in a small community, that makes shop owners
24 feel good when they have a relationship with the
25 police officers. So he -- I thought he did a
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1 EDWARD PARADISO
2 spoke to them. I told them that they were
3 killing me, that I had a lot better things to
4 follow them around when they were off duty to
5 make sure that they weren't pulling pranks, and
6 that they were probably going to have to dig
7 sprinklers in my lawn where I wanted them put in
8 to make up, which I never actually had them do.
9 **Q Did you ever discuss with them whether 5:56:17PM**
10 **they were drinking that night?**
11 A No, I didn't. 5:56:21PM
12 **Q Did they tell you whether they were 5:56:22PM**
13 **drinking that night?**
14 A I didn't ask, they didn't tell. It 5:56:25PM
15 was a stupid thing to do. I told them that. It
16 never happened again.
17 **Q Did you ever discuss it with George 5:56:35PM**
18 **Hesse?**
19 A I probably did. 5:56:40PM
20 **Q You don't recall one way or the other? 5:56:42PM**
21 A It's something that I probably 5:56:46PM
22 would've discussed with him, like did you hear
23 what these idiots did. That sort of a
24 conversation.
25 **Q That's speculation? You don't recall 5:56:53PM**
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1 EDWARD PARADISO
2 good job.
3 **Q Were you involved in his termination? 5:58:40PM**
4 A No, I was not. 5:58:42PM
5 **Q Do you know why he was terminated? 5:58:43PM**
6 A I heard, I don't remember from who, 5:58:50PM
7 that they saw him on the camera system copying
8 confidential records.
9 **Q Do you know what confidential records 5:59:00PM**
10 **he was allegedly copying?**
11 A No. 5:59:03PM
12 **Q Was that camera system around when you 5:59:06PM**
13 **were there?**
14 A When I left, they removed the camera 5:59:13PM
15 system. So they must have gotten a new one.
16 **Q Was the camera system working during 5:59:20PM**
17 **your entire time there as a chief?**
18 A As far as I knew, it was. I found out 5:59:26PM
19 that there was a problem with the camera system
20 on -- in my last year, in September, Walter
21 Moeller called me up, said he had a prisoner in
22 handcuffs. I said make sure you have the tape.
23 Make sure the tape is on. He goes, I don't
24 think it's working. So I came down the next day
25 to find out why it wasn't working, and it seems
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1 EDWARD PARADISO
2 that someone had plugged in a microwave oven and
3 unplugged the camera system.
4 **Q Do you know how long the camera system 5:59:58PM**
5 **was unplugged for?**
6 A I didn't know it was unplugged until I 6:00:01PM
7 found out that it had been. So I did not know.
8 I asked George if he knew that there was a
9 problem with the camera system, and he told me
10 that it was a problem for a while.
11 **Q Did he tell you how long a while is? 6:00:13PM**
12 A He led me to believe that it hadn't 6:00:18PM
13 been working the entire summer.
14 **Q Did you ask him why he didn't fix it 6:00:22PM**
15 **or at least raise it to your attention to fix**
16 **it?**
17 A He told me he thought I knew about it. 6:00:28PM
18 MR. GOODSTADT: I want to take a 6:00:30PM
19 couple minute break. We'll come back and
20 finish up.
21 MR. NOVIKOFF: Okay. 6:00:34PM
22 THE VIDEOGRAPHER: The time is 6:02. 6:00:35PM
23 We're going off the record.
24 (Whereupon, a discussion was held off 6:00:39PM
25 the record.)
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1 EDWARD PARADISO
2 A No. 6:11:54PM
3 **Q How did you learn that they were 6:11:55PM**
4 **terminated?**
5 MR. CONNOLLY: Again, once again we're 6:12:14PM
6 in agreement.
7 MR. GOODSTADT: We're yeah, we have 6:12:17PM
8 the same stipulation.
9 A I think my -- I think my 6:12:23PM
10 brother-in-law John was at the village meeting.
11 He still worked as a dispatcher. He was at the
12 meeting.
13 **Q And what did John tell you? 6:12:35PM**
14 A And he told me that the five guys were 6:12:37PM
15 let go right in the middle of the meeting and
16 told to drop off their stuff and walk out of the
17 meeting.
18 **Q Did he tell you why they were let go? 6:12:49PM**
19 A No. 6:12:51PM
20 **Q Did he tell you what was said about 6:12:52PM**
21 **them at the meeting?**
22 A No. He just said that they were told 6:13:03PM
23 they weren't coming back and to get on the water
24 taxi to be taken back to the checkpoint.
25 **Q What was your reaction when you heard 6:13:13PM**
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1 EDWARD PARADISO
2 THE VIDEOGRAPHER: The time is 6:12. 6:11:05PM
3 We are back on the record.
4 BY MR. GOODSTADT: 6:11:09PM
5 **Q So, Mr. Paradiso, I just want to be 6:11:13PM**
6 **clear. I know we went through the timeline**
7 **before. But the season of 2006 was the first**
8 **season in which George Hesse had authority to**
9 **hire and fire; is that correct?**
10 A Yes. 6:11:28PM
11 MR. NOVIKOFF: Objection to form. 6:11:31PM
12 BY MR. GOODSTADT: 6:11:32PM
13 **Q When did you first learn that the 6:11:34PM**
14 **plaintiffs in this case were going to be let go?**
15 MR. NOVIKOFF: Were going to be let 6:11:40PM
16 go?
17 MR. GOODSTADT: Yeah. 6:11:42PM
18 BY MR. GOODSTADT: 6:11:43PM
19 **Q When was the first time? 6:11:44PM**
20 A I found out after the fact. 6:11:45PM
21 **Q You found out after the fact? 6:11:48PM**
22 A Yeah. 6:11:49PM
23 **Q So prior to their terminations, you 6:11:50PM**
24 **didn't have any discussion with anyone at the**
25 **beach about it?**
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1 EDWARD PARADISO
2 **that they were terminated?**
3 A I was amazed. 6:13:16PM
4 **Q How come? 6:13:17PM**
5 A Because I never had a problem with any 6:13:18PM
6 of them. I didn't know if they had cut the
7 budget back or what -- what the actual story
8 was. I was a little taken back that they had a
9 police department meeting and they didn't let me
10 know they were having a meeting. I mean, I was
11 out on disability, yeah, but still -- I was
12 planning on coming back. You know, my condition
13 hadn't gotten to a point where I was ready to
14 retire. I still had hopes of recovery, and I
15 was -- I was really surprised that, number one,
16 I wasn't even called to let me know that they
17 were planning the April meeting and, number two,
18 that they had let the guys go without any -- any
19 kind of reason. I thought that letting guys go
20 in a public meeting was a little bit -- wouldn't
21 have been the way that I did it, I had done it,
22 if I had let guys go.
23 **Q Did you ever speak with any of the 6:14:26PM**
24 **plaintiffs about their terminations?**
25 A Eddie Carter stopped by my house. 6:14:29PM
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1 EDWARD PARADISO
2 **Q Tell me what you recall about that 6:14:31PM**
3 **discussion.**
4 A And he had said that he had asked 6:14:34PM
5 George why he was letting him go, and George had
6 said that it wasn't up for discussion. And he's
7 like, well, what do you mean it's not up for
8 discussion? You can just tell me why. He goes,
9 I really don't want to talk to you. And he said
10 that George refused to tell him any reason why.
11 **Q Did you speak to any other plaintiffs 6:14:54PM**
12 **about their termination other than for Ed**
13 **Carter?**
14 A Yeah. I think at some point in time I 6:14:59PM
15 had spoken with all of them, and they all were
16 pretty much kind of like drop-mouthed that they
17 were just let go. They felt like they had
18 gotten humiliated, that they really weren't
19 treated in a professional manner. And they were
20 hoping that I could do something. And I told
21 them, unfortunately, I didn't even know that
22 there was going to be a meeting. They didn't
23 talk to me about it ahead of time, you know.
24 And the fact that I'm out on disability, I
25 really didn't really have any kind of input as
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1 EDWARD PARADISO
2 to what was taking place or why.
3 **Q Did you ever speak to Tommy Snyder 6:15:45PM**
4 **about his termination?**
5 A I'm sure, yeah, the time he stopped by 6:15:49PM
6 the house. You know, Tommy had gone through a
7 rough time health-wise. So I was wondering,
8 because he had needed so much time off, if that
9 was the reason why they let him go. I was
10 postulating. I didn't know.
11 **Q Did he tell you how he got let go? 6:16:12PM**
12 A Didn't he get let go at the meeting 6:16:15PM
13 the same way everybody else did?
14 **Q Did he tell you how he got let go? 6:16:20PM**
15 A That they told him to get up, you're 6:16:23PM
16 not working here anymore.
17 **Q If I represent to you that he wasn't 6:16:29PM**
18 **at the meeting, would that refresh your**
19 **recollection?**
20 A Oh. No. Then I don't remember how he 6:16:36PM
21 got let go.
22 **Q Did you ever speak to George Hesse as 6:16:39PM**
23 **to the specific reasons why he let each**
24 **plaintiff go? I believe you testified something**
25 **about Ed Carter, that he caught him sleeping?**
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1 EDWARD PARADISO
2 A Yeah. He had said Eddie Carter he 6:16:48PM
3 caught sleeping or got reports that he was
4 sleeping. That they were going a different way
5 with summonses and Frank would just write
6 anybody, so they didn't want somebody that just
7 didn't use any discretion whatsoever. I don't
8 remember why he said that.
9 **Q How about Lamm? 6:17:25PM**
10 A I don't recall why he said he let 6:17:41PM
11 Kevin go.
12 **Q How about Nofi? 6:17:44PM**
13 MR. CONNOLLY: Objection as to asked 6:17:50PM
14 and answered.
15 A I think it was the same summons thing. 6:17:57PM
16 You know, he was my other summons guy, and they
17 were getting away from the summons writing
18 routine. I think that year all they did was
19 warn people. I don't think they wrote any
20 summonses whatsoever.
21 **Q How about Snyder? 6:18:13PM**
22 A I don't remember why he let Tommy 6:18:15PM
23 Snyder go.
24 **Q When did you have this conversation 6:18:20PM**
25 **with Mr. Hesse?**
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1 EDWARD PARADISO
2 A George? It was in the -- in September 6:18:23PM
3 of 2008, when he came to apologize.
4 **Q So you hadn't spoken with Mr. Hesse 6:18:35PM**
5 **between April of '06 and September of '08 about**
6 **the reasons why he let these guys go?**
7 MR. NOVIKOFF: Objection to the form. 6:18:44PM
8 A No. Because he really -- he didn't 6:18:47PM
9 want to talk to me. When I called on the phone,
10 I asked him how he was doing, he said how do you
11 think I'm doing? I got this, I got that. And
12 then he asked me how I was doing, and he said,
13 well, how about I don't care how you're doing
14 and hung up the phone, and we didn't speak until
15 Memorial Day. And I went in, and I go, I don't
16 know what I said to upset you, but I'm sorry.
17 He goes, don't worry about it, you know. Things
18 were going on, so we didn't really discuss why
19 he let everybody go. He had enough on his mind
20 with the brutality case and everything else that
21 was going on. So it wasn't like it was the
22 topic of conversation, you know what I mean? So
23 the first time we really had any kind of a
24 conversation is when he came to my house that
25 day on his motorcycle.
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1 EDWARD PARADISO
2 **Q Did Hesse tell you where he caught 6:19:34PM**
3 **Carter sleeping?**
4 A No. 6:19:40PM
5 **Q Did he tell you when he caught Carter 6:19:41PM**
6 **sleeping?**
7 A I think he said that the village 6:19:46PM
8 administrator, Mary Ann, had told him that he
9 was sleeping, but I don't know where they said
10 he was.
11 **Q Did he tell you how many times Ed was 6:20:05PM**
12 **caught sleeping?**
13 A No, he didn't say. 6:20:09PM
14 **Q Did you ever hear that these guys or 6:20:11PM**
15 **any of them were let go because of budget cuts?**
16 MR. NOVIKOFF: "These guys" being the 6:20:17PM
17 plaintiffs?
18 MR. GOODSTADT: The plaintiffs. 6:20:19PM
19 A No. 6:20:28PM
20 **Q Did you ever hear that -- in a claim 6:20:33PM**
21 **that George Hesse stated to the assembled**
22 **officers of that meeting in April of '06 that he**
23 **let Snyder and Carter go because he suspected**
24 **they were going to wear a wire for the District**
25 **Attorney's Office?**
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1 EDWARD PARADISO
2 A Yeah. 6:23:00PM
3 **Q Do you recall sending it to 6:23:02PM**
4 **Mr. Fiorillo in September of 2006?**
5 A I remember he asked for a letter, and 6:23:10PM
6 I guess that at this point in time that I
7 thought that he was let go due to budget
8 restrictions.
9 **Q And what led you to believe he was let 6:23:34PM**
10 **go due to budget reductions at that point in**
11 **time?**
12 A Because I was unaware of any other 6:23:47PM
13 reason why they would've let him go, I guess, in
14 September of 2006.
15 **Q Were you aware of that being a reason? 6:23:53PM**
16 A It must have been my understanding of 6:24:07PM
17 why he was let go.
18 **Q Did Fiorillo tell you that that's what 6:24:10PM**
19 **Hesse told him as to the reason why he was being**
20 **let go?**
21 A That would make sense to me. 6:24:16PM
22 **Q At this point in time, you were the 6:24:19PM**
23 **chief of police out on disability; is that**
24 **correct?**
25 A Right. 6:24:24PM
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1 EDWARD PARADISO
2 A No. It would be kind of silly to say 6:20:54PM
3 that to anyone.
4 **Q Why do you say that? 6:21:06PM**
5 A Well, to first -- to let somebody go 6:21:08PM
6 because you think they're going to do something
7 is not really a valid reason to let someone go,
8 number one. Number two, if you had that kind of
9 a fear, to mention it in public would be really
10 kind of stupid.
11 MR. GOODSTADT: Mark that, please. 6:21:32PM
12 (Whereupon, Bates document P 317 was 6:21:34PM
13 marked as Plaintiff's Exhibit 12 for
14 identification, as of this date.)
15 MR. GOODSTADT: I placed in front of 6:22:04PM
16 Mr. Paradiso what's been marked as
17 Paradiso 12. It's a one-page exhibit
18 bearing Bates Number P 317.
19 BY MR. GOODSTADT: 6:22:12PM
20 **Q Mr. Paradiso, do you recognize the 6:22:16PM**
21 **document that's been marked as Paradiso 12?**
22 **(Handing.)**
23 A Yeah, I recognize it. 6:22:53PM
24 **Q And is this a letter that you signed, 6:22:56PM**
25 **the top half of this?**
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1 EDWARD PARADISO
2 **Q How come you didn't put this letter on 6:24:24PM**
3 **letterhead?**
4 A I didn't have any letterhead to write 6:24:30PM
5 it with. I wrote it from my house.
6 **Q Do you know whether there were any 6:24:38PM**
7 **budget cuts at Ocean Beach in the season of**
8 **2006?**
9 A I would have to look at a copy of the 6:24:51PM
10 budget to see if there was any. I think they
11 did cut back that year, but I don't -- I don't
12 exactly remember.
13 **Q You don't remember? 6:25:03PM**
14 A I tried to give Frank as good a letter 6:25:05PM
15 as I could.
16 **Q Just going back to the reasons that 6:25:12PM**
17 **you heard for Ed Carter in 2008 about him**
18 **sleeping. Do you know whether that related to a**
19 **call for a squirrel in somebody's house? Does**
20 **that refresh your recollection?**
21 A No. 6:25:26PM
22 **Q Never heard that? 6:25:26PM**
23 **Did you do any letters of 6:25:35PM**
24 **recommendation or employment letters for any of**
25 **the other guys other than for Frank Fiorillo?**
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1 **EDWARD PARADISO**
2 A Let's see. I think I either did a 6:25:40PM
3 letter or a phone call for Joe Nofi.
4 **Q And who was that letter or phone call 6:25:47PM**
5 **with or to?**
6 A It was with another police agency. 6:25:49PM
7 **Q Do you recall which agency? 6:25:55PM**
8 A I don't recall which police agency it 6:25:57PM
9 was.
10 **Q Did that police agency reach out to 6:26:01PM**
11 **you or did you reach out to that police agency?**
12 A I received a phone call from them. 6:26:08PM
13 **Q Do you recall in sum and substance 6:26:11PM**
14 **what you told that person from the police**
15 **agency?**
16 A I told them that Joe was a good police 6:26:15PM
17 officer. That he would be a good addition to
18 their force. You know, that he was competent.
19 He did a good job. Then the guy had asked me if
20 I knew about the lawsuit, and I said I had heard
21 about the lawsuit. I didn't have any personal
22 knowledge of exactly what took place. I wasn't
23 there when it happened. But as far as the time
24 that I was chief, that I would recommend Joe for
25 any position he looked for.
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1 **EDWARD PARADISO**
2 MR. GOODSTADT: I am. I am. The 6:28:20PM
3 first two pages which appear to be the
4 reference from Chief Edward Paradiso.
5 MR. NOVIKOFF: Yes, that I would agree 6:28:25PM
6 with.
7 BY MR. GOODSTADT: 6:28:27PM
8 **Q Chief Paradiso, does this refresh your 6:28:28PM**
9 **recollection as to what police agency --**
10 A Hold on a second. I'm still reading. 6:28:32PM
11 **Q Go ahead. Take your time. 6:28:35PM**
12 MR. NOVIKOFF: And I would just note 6:28:38PM
13 for the record and Mr. Paradiso, that his
14 reference is the first two pages of this.
15 And he's reading this. Would you like him
16 to read the last two pages before you ask
17 any questions?
18 MR. GOODSTADT: I'll start just by 6:28:50PM
19 asking questions on the first two pages.
20 MR. NOVIKOFF: All right. So I would 6:28:54PM
21 suggest that you advise Mr. Paradiso to stop
22 reading after the first two pages.
23 BY MR. GOODSTADT: 6:29:03PM
24 **Q I'm just going to ask you questions on 6:29:04PM**
25 **the first two pages for now.**
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1 **EDWARD PARADISO**
2 **Q Did you discuss with the investigator 6:26:54PM**
3 **from the police job how they were dismissed?**
4 MR. NOVIKOFF: Objection to the form. 6:27:04PM
5 BY MR. GOODSTADT: 6:27:05PM
6 **Q How Joe Nofi was dismissed? 6:27:06PM**
7 MR. NOVIKOFF: Objection to the form. 6:27:08PM
8 A I -- I told them that I heard that 6:27:09PM
9 they were let go in a public forum and that I
10 didn't think that was the proper way to let
11 people go.
12 **Q Did you tell them the reasons for the 6:27:20PM**
13 **termination?**
14 A I didn't know the reasons. 6:27:23PM
15 MR. GOODSTADT: Would you mark this. 6:27:27PM
16 (Whereupon, Bates document CCSO 6:27:28PM
17 147-150 was marked as Plaintiff's Exhibit 13
18 for identification, as of this date.)
19 MR. NOVIKOFF: 13? 6:27:55PM
20 MR. GOODSTADT: I placed in front of 6:28:00PM
21 Mr. Paradiso what's been marked as Paradiso
22 13. It is a four-page exhibit bearing Bates
23 Numbers CCSO 147 through CCSO 150.
24 MR. NOVIKOFF: These are two 6:28:16PM
25 references. Are you aware of that, Andrew?
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1 **EDWARD PARADISO**
2 A Okay. 6:29:08PM
3 **Q Does this refresh your recollection as 6:29:09PM**
4 **to what police agency called you?**
5 A It doesn't refresh my recollection on 6:29:15PM
6 what agency called me. It tells me what agency
7 called me. It just doesn't beam a new ray of
8 light into my memory pocket. But I remember
9 having a conversation with the guy on the phone.
10 **Q Okay. And if you look down about 6:29:30PM**
11 **maybe two-thirds of the way down the first page,**
12 **where it says "applicant's reason for leaving**
13 **employment," do you see that?**
14 A Uh-huh. 6:29:43PM
15 **Q And it's checked off "laid off." It 6:29:43PM**
16 **says, "Laid off due to personnel cuts of the**
17 **department."**
18 **Do you see that? 6:29:48PM**
19 A Right. 6:29:50PM
20 **Q Do you recall how you learned as of 6:29:53PM**
21 **that point in time that Joe Nofi was dismissed**
22 **in this layoff due to budget cuts?**
23 A Which point in time is this? Because 6:30:05PM
24 there's no date on this.
25 **Q I believe it's dated 9-20 of '06. 6:30:07PM**
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1 **EDWARD PARADISO**
2 **It's around the same time that you prepared this**
3 **that letter for Mr. Fiorillo.**
4 A Well, I would say obviously at some 6:30:15PM
5 point in time it had been relayed to me that
6 they were let go because of budget cuts.
7 **Q Is it possible that Joe Nofi told you 6:30:30PM**
8 **that that was the reason why -- that's the**
9 **reason that Chief Hesse gave to him?**
10 MR. NOVIKOFF: Objection. 6:30:36PM
11 A I don't remember if Joe said that or 6:30:37PM
12 not.
13 **Q If you look at the bottom handwritten 6:30:39PM**
14 **notes there --**
15 A Uh-huh. 6:30:43PM
16 **Q It says that "Chief Paradiso states 6:30:43PM**
17 **while he, chief, was out on disability, that his**
18 **deputy chief dismissed the applicant and four**
19 **other police officers in a poor way."**
20 **Do you see that? 6:30:59PM**
21 MR. NOVIKOFF: Objection. 6:30:59PM
22 A Yes, I see it here. 6:31:00PM
23 **Q Do you know what that refers to? 6:31:02PM**
24 A Yeah. He had asked me what the 6:31:04PM
25 lawsuit was about. He goes, what's the lawsuit
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1 **EDWARD PARADISO**
2 **following areas."**
3 A Uh-huh. 6:31:55PM
4 **Q Do you see -- did you tell him 6:31:56PM**
5 **excellent for punctuality, excellent attendance**
6 **and excellent work performance for Joe Nofi?**
7 **Do you see that? 6:32:09PM**
8 A Yes. 6:32:10PM
9 **Q Is that what you told him? 6:32:11PM**
10 A Yes. 6:32:13PM
11 **Q Is that true? 6:32:13PM**
12 A Yes. 6:32:14PM
13 **Q Other than for this Collier County 6:32:23PM**
14 **position, did you speak with any other potential**
15 **employers of any of the other five plaintiffs in**
16 **this matter?**
17 A I don't remember speaking to anybody 6:32:37PM
18 else.
19 **Q Did you provide any written references 6:32:39PM**
20 **to any other potential employers other than for**
21 **the verbal -- strike that.**
22 **Did you supply any written references 6:32:48PM**
23 **to any other potential employers other than for**
24 **whoever made the Fiorillo statement in**
25 **Paradiso 12?**
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1 **EDWARD PARADISO**
2 about? I'm like, well, I go, the four of
3 them -- the five of them were let go, as far as
4 I know, in a public meeting in front of all the
5 other guys. They weren't happy about how they
6 were let go and they instituted a lawsuit about
7 it. Not the way I would've done it.
8 **Q And then it says, "Deputy Chief Hesse 6:31:26PM**
9 **is being sued by the five police officers**
10 **terminated."**
11 **Do you see that? 6:31:35PM**
12 A Yeah. 6:31:36PM
13 **Q And that's part of the same 6:31:37PM**
14 **conversation that you just testified to?**
15 A Yeah. He asked me what the lawsuit 6:31:40PM
16 was about.
17 **Q And then it says, "Reasons, budget 6:31:42PM**
18 **cuts."**
19 **Do you see that? 6:31:45PM**
20 A Uh-huh. 6:31:46PM
21 **Q So that's just the same thing you gave 6:31:47PM**
22 **up top?**
23 A Right. 6:31:50PM
24 **Q And if you look above that section, 6:31:50PM**
25 **where it says "rate the applicant in the**
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1 **EDWARD PARADISO**
2 A I don't recall. 6:33:11PM
3 **Q Would you have been willing to provide 6:33:12PM**
4 **good references for all five of the plaintiffs**
5 **in this case?**
6 A Yes. 6:33:17PM
7 **Q Did you ever hear a claim that George 6:33:24PM**
8 **Hesse gave bad references to any of the**
9 **plaintiffs in this matter to any potential**
10 **employers?**
11 MR. NOVIKOFF: Objection. 6:33:32PM
12 A Yes. 6:33:42PM
13 **Q Where did you hear that from? 6:33:42PM**
14 A I think Kevin Lamm told me that he 6:33:43PM
15 didn't get a good recommendation when he was
16 going for -- he had been called by Suffolk
17 County Police for a position and he -- I
18 remember him telling me that George didn't give
19 him a good recommendation.
20 **Q Do you know where he learned that from 6:34:03PM**
21 **that George didn't give him a good**
22 **recommendation?**
23 MR. NOVIKOFF: Objection. 6:34:07PM
24 BY MR. GOODSTADT: 6:34:08PM
25 **Q Did he tell you? 6:34:08PM**
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1 EDWARD PARADISO
2 A No. 6:34:09PM
3 Q Did you ever speak with George Hesse 6:34:09PM
4 about any recommendation that he gave for Kevin
5 Lamm for the Suffolk County job?
6 A No. 6:34:16PM
7 Q Did you ever speak with George Hesse 6:34:17PM
8 about any reference that he gave for any of the
9 five plaintiffs in this matter?
10 A No. 6:34:23PM
11 Q Other than for Lamm's Suffolk County 6:34:23PM
12 job, had you ever heard the claim that Hesse
13 gave a negative reference to anyone else who
14 were plaintiffs in this matter?
15 MR. NOVIKOFF: Objection. 6:34:34PM
16 A Ed Carter said that reference that 6:34:42PM
17 George had given or the reason for George's
18 termination had slowed his promotion down at the
19 town. I don't recall anything else.
20 Q Were you ever contacted by the 6:35:03PM
21 Southampton police department for Mr. Fiorillo?
22 A I don't remember. 6:35:20PM
23 Q Were you ever contacted about a park 6:35:23PM
24 ranger job for Mr. Fiorillo?
25 A I don't believe so. 6:35:30PM
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1 EDWARD PARADISO
2 Q How about an FBI job for Mr. Fiorillo? 6:35:30PM
3 A Yes. 6:35:33PM
4 Q The FBI contacted you? 6:35:33PM
5 A Yeah, while I was still working as 6:35:35PM
6 chief of police. Frank was going through an
7 investigation for an FBI job.
8 Q Did you give a reference for Frank? 6:35:41PM
9 A Yes, I did. 6:35:43PM
10 Q Was it a positive recommendation? 6:35:44PM
11 A Yes, it was. 6:35:45PM
12 Q Do you know whether George Hesse spoke 6:35:46PM
13 with anyone at the FBI with respect to
14 Mr. Fiorillo?
15 A I don't know. 6:35:50PM
16 Q Did you ever speak to the Department 6:35:50PM
17 of Taxation and Finance for Joe Nofi?
18 A I don't recall. If I had, it would've 6:35:57PM
19 been a positive reference.
20 THE VIDEOGRAPHER: The time is 6:37. 6:36:10PM
21 We're off the record.
22 (Whereupon, a discussion was held off 6:36:13PM
23 the record.)
24 THE VIDEOGRAPHER: The time is 6:38. 6:36:46PM
25 We're back on the record.
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1 EDWARD PARADISO
2 MR. GOODSTADT: Mark that. 6:36:54PM
3 (Whereupon, Bates document P 926-927 6:36:55PM
4 was marked as Plaintiff's Exhibit 14 for
5 identification, as of this date.)
6 (Whereupon, Letter dated February 28, 6:37:15PM
7 2003 was marked as Plaintiff's Exhibit 15
8 for identification, as of this date.)
9 MR. GOODSTADT: Why don't we start 6:37:57PM
10 with 15 because that's what you're reading.
11 I placed in front of Mr. Paradiso 6:38:00PM
12 what's been marked as Paradiso 15. It's a
13 one-page letter dated February 28th, 2003.
14 I don't know if it has a Bates number on it
15 or not, but it should say 4673.
16 MR. NOVIKOFF: The one with the feet? 6:38:17PM
17 MR. GOODSTADT: Yeah. 6:38:18PM
18 MR. NOVIKOFF: So we're doing the feet 6:38:19PM
19 first?
20 MR. GOODSTADT: Feet first. That's 6:38:21PM
21 the one he's reading.
22 MR. NOVIKOFF: Is that 15? 6:38:24PM
23 BY MR. GOODSTADT: 6:38:25PM
24 Q Mr. Paradiso, have you ever seen the 6:38:26PM
25 document marked as Paradiso 15?
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1 EDWARD PARADISO
2 A No. 6:38:30PM
3 Q You testified before that there was no 6:38:30PM
4 Ocean Beach police benevolent association,
5 correct?
6 A There was no union. 6:38:35PM
7 Q Was there a PBA? 6:38:37PM
8 A They -- when George and Bobby first 6:38:42PM
9 started to get the union, they started this
10 Ocean Beach PBA. But it's a name only thing.
11 It never resulted in a union contract or
12 anything else.
13 Q Do you know what happened to the money 6:38:58PM
14 that they collected on behalf of the PBA?
15 A I think they used some of the money 6:39:06PM
16 for the DirecTV that was up in the barracks, for
17 different things for the men. T-shirts and
18 stuff. I'm not certain.
19 Q Did there come a point in time that 6:39:24PM
20 you learned of an allegation that Tommy Snyder
21 was double dipping with his town job?
22 A Is this part of the letter that I'm 6:39:35PM
23 reading?
24 Q No. You can put that one down. 6:39:37PM
25 A Oh. That Tommy Snyder was double 6:39:40PM
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1 EDWARD PARADISO
2 dipping with his town job?
3 **Q Yes. 6:39:46PM**
4 A I don't recall that. 6:39:46PM
5 MR. NOVIKOFF: Do you -- sorry. 6:39:49PM
6 BY MR. GOODSTADT: 6:39:51PM
7 **Q Do you know what double dipping means 6:39:51PM**
8 **when I say double dipping?**
9 A Yeah, working at two places at once, 6:39:54PM
10 at the same time.
11 MR. NOVIKOFF: I think your question 6:39:57PM
12 was did you ever hear of it as opposed to
13 did Tommy ever do it.
14 BY MR. GOODSTADT: 6:40:01PM
15 **Q My question is, did you ever hear of 6:40:01PM**
16 **the allegation that he had done it?**
17 A No. 6:40:04PM
18 **Q Do you know whether he actually ever 6:40:04PM**
19 **did it?**
20 A I don't think he did. 6:40:07PM
21 MR. GOODSTADT: Can you just mark 6:40:08PM
22 this.
23 (Whereupon, Bates document P 916 and P 6:40:23PM
24 336 was marked as Plaintiff's Exhibit 16 for
25 identification, as of this date.)
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1 EDWARD PARADISO
2 BY MR. GOODSTADT: 6:42:23PM
3 **Q Did you ever hear that any of the 6:42:24PM**
4 **plaintiffs complained to George Hesse about**
5 **officers drinking on or off duty?**
6 MR. NOVIKOFF: Objection to the form 6:42:30PM
7 of the question.
8 A No. 6:42:31PM
9 **Q So George Hesse never raised that 6:42:32PM**
10 **issue with you?**
11 A No. 6:42:34PM
12 **Q Do you know whether any of these -- 6:42:35PM**
13 **did you ever hear that any of the plaintiffs in**
14 **this case complained to George Hesse about**
15 **having to chauffeur people around the village,**
16 **either civilians or other on- and off-duty**
17 **police officers on non-police business?**
18 MR. NOVIKOFF: Objection. 6:42:54PM
19 A No. 6:42:54PM
20 **Q Is it possible that they made these 6:42:55PM**
21 **complaints to Mr. Hesse and that Mr. Hesse just**
22 **didn't raise them to you?**
23 MR. NOVIKOFF: Objection. 6:43:01PM
24 MR. CONNOLLY: Objection. 6:43:02PM
25 A I can't even answer that question. 6:43:03PM
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1 EDWARD PARADISO
2 MR. GOODSTADT: I just placed in front 6:40:51PM
3 of Mr. Paradiso what's been marked as
4 Paradiso Exhibit 16. It is a two-page
5 exhibit bearing Bates Numbers P 916 and
6 P 336.
7 A This was sent to Tommy Snyder? 6:41:38PM
8 **Q That was my question. Do you -- did 6:41:42PM**
9 **you ever see the document that's been marked**
10 **as -- the first page that's been marked as**
11 **Paradiso 16?**
12 A No. I don't remember it. 6:41:48PM
13 **Q Did you ever discuss this issue with 6:41:51PM**
14 **any current or former employees of Ocean Beach,**
15 **the issue that's set forth in Page 1 of Paradiso**
16 **16?**
17 A I don't remember any conversation. 6:42:04PM
18 **Q Okay. I just want to go back quickly 6:42:06PM**
19 **to something we discussed before, because I have**
20 **some following-up questions. I think you**
21 **testified that you don't recall any of the**
22 **plaintiffs complaining to you about officers**
23 **drinking.**
24 MR. NOVIKOFF: Objection. Sorry. 6:42:22PM
25
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1 EDWARD PARADISO
2 Anything is possible.
3 **Q Okay. 6:43:07PM**
4 A But I don't believe that that would be 6:43:08PM
5 the case.
6 **Q You don't believe that he wouldn't 6:43:12PM**
7 **raise it with you?**
8 A No. Why wouldn't he? If there's a 6:43:15PM
9 problem going on, he would tell me about it.
10 **Q Well, he didn't raise the deal that he 6:43:20PM**
11 **made with Golopi and the board, did he?**
12 MR. NOVIKOFF: Objection. 6:43:25PM
13 MR. CONNOLLY: Objection. 6:43:26PM
14 A No. He didn't raise that. 6:43:27PM
15 **Q Did you ever post on any blog with 6:43:30PM**
16 **respect to any of the plaintiffs in this matter?**
17 A Post on a blog? 6:43:37PM
18 **Q Yeah. Why don't we start before that. 6:43:39PM**
19 **Do you know what a blog is? 6:43:43PM**
20 A Online type of a rant. 6:43:44PM
21 **Q Right. Have you ever read any blog in 6:43:47PM**
22 **connection with the plaintiffs, their claims in**
23 **this matter?**
24 A Yes. 6:43:56PM
25 **Q What blog did you read? 6:43:57PM**
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1 **EDWARD PARADISO**
2 A Long Island citizens. 6:43:59PM
3 **Q Long Island Politics?** 6:44:05PM
4 A Schwartz Report or -- 6:44:10PM
5 **Q Long Island Politics.** 6:44:13PM
6 A Yeah, that's the one. 6:44:13PM
7 **Q Did you ever post on the Schwartz** 6:44:16PM
8 **Report or Long Island Politics?**
9 A Yes. 6:44:21PM
10 **Q How many times?** 6:44:21PM
11 A Twice. 6:44:22PM
12 **Q And what name did you post under?** 6:44:24PM
13 A Edward P. 6:44:29PM
14 **Q Both times?** 6:44:33PM
15 A Yes. 6:44:34PM
16 **Q Do you recall in sum or substance what** 6:44:35PM
17 **your posts stated?**
18 A Yes, I do. That this should stop. 6:44:38PM
19 Enough of this. That kind of stuff. This is
20 ridiculous. Please stop doing this.
21 **Q Where did you post from?** 6:44:49PM
22 A Where did I post from? Library. 6:44:51PM
23 **Q Which library?** 6:44:58PM
24 A East Islip library. 6:44:59PM
25 **Q Both times were from East Islip** 6:45:04PM
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1 **EDWARD PARADISO**
2 **than for yourself, has posted on the Schwartz**
3 **Report or Long Island Politics.com?**
4 A I have no personal knowledge of that. 6:45:53PM
5 There was one other response I put down.
6 Somebody had written about Andy Bescher and his
7 bachelor party, and I wrote that I was at Andy
8 Bescher's bachelor party, that none of this took
9 place. It wasn't true.
10 MR. NOVIKOFF: That was under 6:46:12PM
11 Edward P?
12 THE WITNESS: I believe so, or 101. I 6:46:15PM
13 might put Edward P 101 so the guys that
14 worked there that might be writing or
15 reading this stuff would know it was me.
16 BY MR. GOODSTADT: 6:46:26PM
17 **Q Was that your shield number, 101?** 6:46:26PM
18 A Yeah. 6:46:30PM
19 **Q And was that a third post or was that** 6:46:30PM
20 **one of the two posts that you already testified**
21 **about?**
22 A I think it was one of the two posts. 6:46:34PM
23 **Q And I know you said you don't have any** 6:46:37PM
24 **personal knowledge of any current or former**
25 **Ocean Beach police officers posting other than**
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1 **EDWARD PARADISO**
2 **library?**
3 A I believe so. 6:45:07PM
4 **Q Did you ever post on the Schwartz** 6:45:08PM
5 **Report or Long Island Politics.com from your own**
6 **home?**
7 A Not on that site. 6:45:15PM
8 **Q Did you ever post on any blogs with** 6:45:16PM
9 **respect to the plaintiffs from your home?**
10 A No. 6:45:21PM
11 **Q Did you ever post on any other blogs** 6:45:22PM
12 **with respect to the plaintiffs other than for**
13 **the Schwartz Report, Long Island Politics?**
14 A No. 6:45:29PM
15 **Q Did you ever speak to George Hesse as** 6:45:30PM
16 **to whether he posted on any of the blogs?**
17 A No. 6:45:35PM
18 **Q Do you know whether he posted on any** 6:45:36PM
19 **of the blogs?**
20 A How would I know? 6:45:39PM
21 **Q Did anyone ever tell you?** 6:45:40PM
22 MR. NOVIKOFF: Objection. 6:45:41PM
23 A No. 6:45:42PM
24 **Q Do you know whether any current or** 6:45:43PM
25 **former police officers in Ocean Beach, other**
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1 **EDWARD PARADISO**
2 **yourself, but have you heard that any other**
3 **current or former police officers posted on the**
4 **blog?**
5 MR. NOVIKOFF: Objection. Form. 6:46:50PM
6 A No. 6:46:51PM
7 MR. GOODSTADT: Why don't we take 6:46:57PM
8 30 seconds. I just want to make sure I have
9 everything, and then we can wrap it up.
10 THE VIDEOGRAPHER: The time is 6:48. 6:47:03PM
11 We're going off the record.
12 (Whereupon, a discussion was held off 6:47:06PM
13 the record.)
14 THE VIDEOGRAPHER: The time is 6:53. 6:51:35PM
15 We are back on the record.
16 BY MR. GOODSTADT: 6:51:40PM
17 **Q Mr. Paradiso, why do you believe** 6:51:41PM
18 **George Hesse selected these five plaintiffs for**
19 **termination?**
20 MR. NOVIKOFF: Objection. 6:51:48PM
21 MR. CONNOLLY: Objection. 6:51:49PM
22 A To tell you the truth, I don't know 6:52:11PM
23 why he picked these five guys. Maybe he had a
24 certain number of police officers he had in mind
25 and he had some new guys he wanted to bring in.
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EDWARD PARADISO

I don't know.

Q So you don't have any belief one way or the other as to why he selected these five?

MR. NOVIKOFF: Objection to form. And asked and answered.

MR. CONNOLLY: Objection.

A No. I wouldn't have picked any of them to leave. I would've kept each and every one of them.

MR. GOODSTADT: No further questions at this time.

MR. NOVIKOFF: So we will pick up at 9:30 in my office.

MR. GOODSTADT: When is that?

MR. NOVIKOFF: Wednesday.

THE VIDEOGRAPHER: The time is 6:54. We are going off the record.

(Time noted 6:53 p.m.)

EDWARD PARADISO

Subscribed and sworn to before me

this day of , 2009

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PROCEEDINGS
CERTIFICATE

I, JUDI JOHNSON, RPR, CRR, CLR, a Notary Public and for the State of New York, do hereby certify:

THAT the witness whose testimony is hereinbefore set forth, was duly sworn by me; and

THAT the within transcript is a true record of the testimony given by said witness. I further certify that I am not related, either by blood or marriage, to any of the parties to this action; and THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of August, 2009.

JUDI JOHNSON, RPR, CRR, CLR

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ERRATA SHEET

NAME OF CASE: CARTER V. OCEAN BEACH
DATE OF DEPOSITION: JULY 27, 2009
NAME OF WITNESS: EDWARD PARADISO

Reason codes:

1. To clarify the record.
2. To conform to the facts
3. To correct the transcription errors.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO,)
KEVIN LAMM, JOSEPH NOFI, and)
THOMAS SNYDER,) CV 07 1215

Plaintiffs,)

vs.)

INCORPORATED VILLAGE OF OCEAN)
BEACH; MAYOR JOSEPH C. LOEFFLER,)
JR., individually and in his)
official capacity; former mayor)
NATALIE K. ROGERS, individually)
and in her official capacity,)
OCEAN BEACH POLICE DEPARTMENT;)
ACTING DEPUTY POLICE CHIEF)
GEORGE B. HESSE, individually)
and in his official capacity;)
SUFFOLK COUNTY; SUFFOLK COUNTY)
POLICE DEPARTMENT, SUFFOLK)
COUNTY DEPARTMENT OF CIVIL)
SERVICE; and ALISON SANCHEZ,)
individually and in her)
official capacity,)

Defendants.)

CONTINUED VIDEOTAPED DEPOSITION OF
EDWARD THOMAS PARADISO
Uniondale, New York
Wednesday, July 29, 2009

Reported by:

KRISTIN KOCH, RPR, RMR, CRR, CLR
JOB NO. 23953

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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 July 29, 2009</p> <p>6 9:49 a.m.</p> <p>7</p> <p>8</p> <p>9 Continued Videotaped Deposition of</p> <p>10 EDWARD THOMAS PARADISO, held at the offices</p> <p>11 of Rivkin Radler, LLP, 926 RexCorp Plaza,</p> <p>12 Uniondale, New York, before Kristin Koch, a</p> <p>13 Registered Professional Reporter,</p> <p>14 Registered Merit Reporter, Certified</p> <p>15 Realtime Reporter, Certified Livenote</p> <p>16 Reporter and Notary Public of the State of</p> <p>17 New York.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4</p> <p>5 THOMPSON WIGDOR & GILLY LLP</p> <p>6 Attorneys for Plaintiffs</p> <p>7 85 Fifth Avenue</p> <p>8 New York, New York 10003</p> <p>9 BY: ANDREW S. GOODSTADT, ESQ.</p> <p>10</p> <p>11 RIVKIN RADLER LLP</p> <p>12 Attorneys for Incorporated Village of</p> <p>13 Ocean Beach, Joseph C. Loeffler Jr.,</p> <p>14 Natalie K. Rogers and Ocean Beach Police</p> <p>15 Department</p> <p>16 926 RexCorp Plaza</p> <p>17 Uniondale, New York 11556-0926</p> <p>18 BY: KENNETH A. NOVIKOFF, ESQ.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1</p> <p>2 A P P E A R A N C E S: (Continued)</p> <p>3</p> <p>4</p> <p>5 MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.</p> <p>6 Attorneys for George B. Hesse</p> <p>7 530 Saw Mill River Road</p> <p>8 Elmsford, New York 10523</p> <p>9 BY: KEVIN W. CONNOLLY, ESQ.</p> <p>10</p> <p>11 ALSO PRESENT:</p> <p>12</p> <p>13 STEVE SANPIETRO, Legal Video Specialist</p> <p>14 FRANK FIORILLO</p> <p>15 THOMAS SNYDER</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 THE VIDEOGRAPHER: This is the start 09:02</p> <p>3 of the tape labeled number 1 of the 09:48</p> <p>4 continuing videotaped deposition of Edward 09:48</p> <p>5 Paradiso in the matter of Carter, Fiorillo, 09:48</p> <p>6 et al., versus the Incorporated Village of 09:48</p> <p>7 Ocean Beach. 09:48</p> <p>8 This deposition is being held at 926 09:48</p> <p>9 RexCorp Plaza, Uniondale, New York on 09:48</p> <p>10 Wednesday, July 29th, 2009 at approximately 09:48</p> <p>11 9:49 a.m. 09:48</p> <p>12 My name is Steve Sanpietro and I am 09:48</p> <p>13 the legal video specialist from TSG 09:48</p> <p>14 Reporting, Inc. The court reporter today 09:48</p> <p>15 is Kristin Koch in association with TSG 09:48</p> <p>16 Reporting. 09:49</p> <p>17 MR. GOODSTADT: Can we just hang on 09:49</p> <p>18 one second. 09:49</p> <p>19 THE VIDEOGRAPHER: Absolutely. 09:49</p> <p>20 (Recess was taken.) 09:49</p> <p>21 THE VIDEOGRAPHER: The time is now 09:50</p> <p>22 9:51 a.m. We are now back on the record 09:50</p> <p>23 and we are going to introduce counsel. 09:50</p> <p>24 MR. GOODSTADT: Andrew Goodstadt, 09:50</p> <p>25 Thompson, Wigdor & Gilly, on behalf of the 09:51</p>

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<p>1 2 plaintiffs. 09:51 3 MR. NOVIKOFF: On behalf of all of 09:51 4 the Village defendants except Defendant 09:51 5 Hesse, Ken Novikoff, Rivkin Radler. 09:51 6 MR. CONNOLLY: Kevin W. Connolly of 09:51 7 Marks, O'Neill, O'Brien & Courtney on 09:51 8 behalf of the Defendant Hesse. 09:51 9 THE VIDEOGRAPHER: Will the court 09:51 10 reporter please re-swear the witness. 09:51 11 * * * 09:51 12 EDWARD THOMAS PARADISO, 09:51 13 resumed as a witness, having been duly sworn 14 by a Notary Public, was examined and 15 testified as follows: 16 EXAMINATION BY 17 MR. NOVIKOFF: 18 Q. Good morning, Mr. Paradiso. 09:51 19 A. Good morning. 09:51 20 Q. Thank you for coming back to 09:51 21 continue and hopefully finish your deposition 09:51 22 today in this case. 09:51 23 As I have already indicated, I 09:51 24 represent all of those defendants except for 09:51 25 Mr. Hesse. I will be asking you a series of 09:51</p>	<p>1 Paradiso 2 questions. I believe the court reporter has 09:51 3 sworn you in again. You answered 09:51 4 Mr. Goodstadt's questions. 09:51 5 You understand what the oath means; 09:51 6 correct? 09:51 7 A. Yes. 09:51 8 Q. There was nothing that you testified 09:51 9 to on Monday that in your belief was perjurious 09:51 10 or a lie or a misrepresentation of the facts to 09:51 11 the best of your recollection; correct? 09:52 12 A. Correct. 09:52 13 Q. Okay. Just want to go over a few 09:52 14 things concerning your present relationship 09:52 15 with the Village. 09:52 16 You are not an employee right now; 09:52 17 correct? 09:52 18 A. No. 09:52 19 Q. And you went out on disability when? 09:52 20 A. Initially August 3rd, 2005 and I 09:52 21 came back to work three days later and then I 09:52 22 went out permanently on September the 26th, 09:52 23 2005. 09:52 24 Q. So between the time that you went 09:52 25 out permanently and the time that you retired, 09:52</p>
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<p>1 Paradiso 2 would it be correct to say that you were still, 09:52 3 in your opinion, the chief of the police 09:52 4 department but you weren't working at the 09:52 5 police department; correct? 09:52 6 A. I was -- I retained the title. 09:52 7 Q. But you weren't working there? 09:52 8 A. No. 09:52 9 Q. Okay. And I believe you testified 09:52 10 that you were not aware of the April 2006 09:52 11 meeting prior to the 2006 season where the 09:52 12 plaintiffs were not rehired? 09:53 13 A. Correct. 09:53 14 MR. NOVIKOFF: And I understand we 09:53 15 have that same agreement -- 09:53 16 MR. GOODSTADT: Right. 09:53 17 MR. NOVIKOFF: -- between the terms 09:53 18 "termination" and "rehired." 09:53 19 Q. And that didn't make you happy; 09:53 20 correct? 09:53 21 A. I was surprised. 09:53 22 Q. You would have preferred to have 09:53 23 been in the loop on that, at least knowledge of 09:53 24 the meeting; correct? 09:53 25 A. I would -- I was surprised that I 09:53</p>	<p>1 Paradiso 2 was not told about the meeting. I was 09:53 3 anticipating coming back if my injury hadn't 09:53 4 gotten to the point where it was gonna -- I 09:53 5 considered it a permanent injury. I was still 09:53 6 recuperating. 09:53 7 Q. So it was your belief that if the 09:53 8 Village was to have done the right thing, that 09:53 9 they would have told you about that meeting 09:53 10 since you were still the chief of police? 09:53 11 A. I figured I should have known about 09:53 12 it, yes. 09:53 13 Q. And there came a point in time that 09:53 14 Mr. Hesse's salary was increased; correct? 09:53 15 A. Yes. 09:53 16 Q. And they didn't increase your 09:53 17 salary; right? 09:53 18 A. No. 09:53 19 Q. And that didn't make you happy 09:53 20 either; correct? 09:54 21 A. No. 09:54 22 Q. And, in fact -- well, did you 09:54 23 approach the Village after learning about 09:54 24 Mr. Hesse's increase in salary to request the 09:54 25 same increase? 09:54</p>

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<p>1 Paradiso</p> <p>2 A. I think so. Somebody called up 09:57</p> <p>3 wanting to have a deposition. 09:57</p> <p>4 Q. Right. And the fact is, though, you 09:57</p> <p>5 were subpoenaed for this deposition by 09:57</p> <p>6 Mr. Goodstadt; correct? 09:57</p> <p>7 A. Correct. 09:57</p> <p>8 Q. And we didn't subpoena you to appear 09:57</p> <p>9 on Monday; correct? 09:57</p> <p>10 A. No. 09:57</p> <p>11 Q. And you are not represented by 09:57</p> <p>12 counsel today? 09:58</p> <p>13 A. No. 09:58</p> <p>14 Q. Correct? And, in fact, you asked 09:58</p> <p>15 the Village to represent -- have counsel 09:58</p> <p>16 represent you; right? 09:58</p> <p>17 A. Yes. 09:58</p> <p>18 Q. You wanted them to pay for your 09:58</p> <p>19 counsel? 09:58</p> <p>20 A. Yes. 09:58</p> <p>21 Q. And they didn't even respond to you? 09:58</p> <p>22 A. No. 09:58</p> <p>23 Q. And that hasn't made you happy 09:58</p> <p>24 either? 09:58</p> <p>25 A. It's par for the course. 09:58</p>	<p>1 Paradiso</p> <p>2 Q. Right. So would it be fair to say 09:58</p> <p>3 that at least as you sit here today you have no 09:58</p> <p>4 love loss for the Village? 09:58</p> <p>5 MR. GOODSTADT: Objection. 09:58</p> <p>6 A. I wouldn't say that's fair. 09:58</p> <p>7 Q. Okay. 09:58</p> <p>8 A. I worked for them for 26 years. You 09:58</p> <p>9 don't work for people -- you know, I don't look 09:58</p> <p>10 at the people that are in charge now as the 09:58</p> <p>11 entire Village. I raised my family there. My 09:58</p> <p>12 kids went to school there. I was proud of the 09:58</p> <p>13 time that I spent there and I always felt that 09:58</p> <p>14 I tried to do my best for the people of the 09:58</p> <p>15 Village and it isn't that I'm not -- that I 09:58</p> <p>16 have any love loss for the Village. I am hurt 09:58</p> <p>17 more than anything else. I really feel that I 09:58</p> <p>18 put everything I had, I put my life on hold, 09:59</p> <p>19 and I really feel I was treated like I did 09:59</p> <p>20 something wrong. 09:59</p> <p>21 Q. You filed a Reply Affidavit in your 09:59</p> <p>22 lawsuit against the Village; correct? 09:59</p> <p>23 A. My attorneys did, yes. 09:59</p> <p>24 MR. NOVIKOFF: Okay. Well, let's 09:59</p> <p>25 mark this as Paradiso 17. 09:59</p>
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<p>1 Paradiso</p> <p>2 (Paradiso Exhibit 17, Reply 09:59</p> <p>3 Affidavit, marked for identification.) 09:59</p> <p>4 Q. Now, I am going to ask you a series 09:59</p> <p>5 of questions, but what I would like you to do 09:59</p> <p>6 is read Paradiso 17 to the extent you need to 09:59</p> <p>7 in order to advise me as to whether or not this 09:59</p> <p>8 is, in fact, an affidavit that was filed on 09:59</p> <p>9 your behalf in the action that you have 09:59</p> <p>10 commenced against the Village. 09:59</p> <p>11 (Document review.) 10:00</p> <p>12 Q. And do you recognize what's been 10:00</p> <p>13 marked as Paradiso 17? 10:00</p> <p>14 A. Yes. 10:00</p> <p>15 Q. And what is that? 10:00</p> <p>16 A. This is the Reply Affidavit that my 10:00</p> <p>17 attorney filed in my lawsuit for the Village. 10:00</p> <p>18 Q. And is that your signature on 10:01</p> <p>19 page 3? 10:01</p> <p>20 A. Yes, it is. 10:01</p> <p>21 Q. And did you sign this before a 10:01</p> <p>22 notary public? 10:01</p> <p>23 A. Yes. 10:01</p> <p>24 Q. And you understood what it meant by 10:01</p> <p>25 that you were swearing out your signature on 10:01</p>	<p>1 Paradiso</p> <p>2 this affidavit? 10:01</p> <p>3 A. Yes. 10:01</p> <p>4 Q. It's similar to the deposition 10:01</p> <p>5 testimony you are giving today, that everything 10:01</p> <p>6 in here is truthful; correct? 10:01</p> <p>7 A. Yes. 10:01</p> <p>8 Q. And did you review this affidavit 10:01</p> <p>9 before you signed it? 10:01</p> <p>10 A. Yes. 10:01</p> <p>11 Q. Okay. And there was nothing that 10:01</p> <p>12 you saw that was untruthful prior to you 10:01</p> <p>13 executing this document; correct? 10:01</p> <p>14 A. No. 10:01</p> <p>15 Q. Okay. So let's go through it, 10:01</p> <p>16 hopefully shortly, but there are some things I 10:01</p> <p>17 do want to talk to you about and just confirm 10:01</p> <p>18 with you the accuracy of what you said. 10:01</p> <p>19 Paragraph 3, you write: 10:01</p> <p>20 "Notwithstanding the department's denial that I 10:01</p> <p>21 was its chief for the last fifteen years, I 10:01</p> <p>22 have been the "head" of the department for that 10:01</p> <p>23 entire period of time." Do you see that? 10:01</p> <p>24 A. Yes. 10:01</p> <p>25 Q. When did that period of time end? 10:01</p>

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<p>1 Paradiso</p> <p>2 Well, withdrawn. 10:01</p> <p>3 Was that period of time certainly up 10:02</p> <p>4 through the last day of September of 2005? 10:02</p> <p>5 A. Yes. The 26th of September. 10:02</p> <p>6 Q. Right. Okay. And you put quotes 10:02</p> <p>7 around "head." Do you see that? 10:02</p> <p>8 A. Yes. 10:02</p> <p>9 Q. What did you mean by the use of the 10:02</p> <p>10 word "head" in paragraph 3? 10:02</p> <p>11 A. Well, the Village was claiming that 10:02</p> <p>12 I was never actually the chief, that my Civil 10:02</p> <p>13 Service title was sergeant, and the way the 10:02</p> <p>14 general municipal law was written, it covered 10:02</p> <p>15 the chief of the department or its head of the 10:02</p> <p>16 department, so whether I was the chief or 10:02</p> <p>17 the -- I was the head of the department, so I 10:02</p> <p>18 believe they were trying to cover both -- all 10:02</p> <p>19 the bases with regards to the lawsuit. 10:02</p> <p>20 Q. And when you wrote "head," did you 10:02</p> <p>21 mean to convey to the reader of this document 10:02</p> <p>22 that you were in charge of all aspects of the 10:02</p> <p>23 Ocean Beach Police Department in those fifteen 10:02</p> <p>24 years? 10:03</p> <p>25 A. Yes. 10:03</p>	<p>1 Paradiso</p> <p>2 Q. Okay. And that there -- withdrawn. 10:03</p> <p>3 Let's look at paragraph 4. You 10:03</p> <p>4 write: "In my tenure as chief and head of the 10:03</p> <p>5 department, I was entrusted with all the 10:03</p> <p>6 responsibilities attendant to the role of the 10:03</p> <p>7 police chief." Do you see that? 10:03</p> <p>8 A. Yes. 10:03</p> <p>9 Q. Completely accurate statement? 10:03</p> <p>10 A. Yes. 10:03</p> <p>11 Q. No doubt about it as you sit here 10:03</p> <p>12 today? 10:03</p> <p>13 A. No. 10:03</p> <p>14 Q. You then go on to write: "The 10:03</p> <p>15 department entrusts me the position of police 10:03</p> <p>16 chief, has held me accountable to this position 10:03</p> <p>17 and all the designations thereof." Completely 10:03</p> <p>18 accurate? 10:03</p> <p>19 A. Yes. 10:03</p> <p>20 Q. No doubt as you sit here today? 10:03</p> <p>21 A. No. 10:03</p> <p>22 Q. Great. What did you mean when you 10:03</p> <p>23 said "has held me accountable to this 10:03</p> <p>24 position"? 10:03</p> <p>25 A. That if anything came up that the 10:03</p>
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<p>1 Paradiso</p> <p>2 chief of police was required to be accountable 10:03</p> <p>3 for, that I was the person that they had 10:03</p> <p>4 designated. 10:03</p> <p>5 Q. So if -- at least in your mind, 10:03</p> <p>6 whatever went on that concerned the police 10:04</p> <p>7 department, the buck stopped with you; correct? 10:04</p> <p>8 A. Right. 10:04</p> <p>9 Q. You were the person in charge and 10:04</p> <p>10 the person to be held accountable? 10:04</p> <p>11 A. Yes. 10:04</p> <p>12 Q. And that would be -- withdrawn. 10:04</p> <p>13 Paragraph 5, next page. 10:04</p> <p>14 Let's actually skip 5 and go to 10:04</p> <p>15 paragraph 6. "As chief I was responsible for 10:04</p> <p>16 the planning and directing of law enforcement 10:04</p> <p>17 activities and all police functions within the 10:04</p> <p>18 Village; correct? Do you see that? 10:04</p> <p>19 A. Yes. 10:04</p> <p>20 Q. Accurate? 10:04</p> <p>21 A. Yes. 10:04</p> <p>22 Q. No doubt as you sit here today? 10:04</p> <p>23 A. There is nothing in this entire 10:04</p> <p>24 document that I have any problem with what it 10:04</p> <p>25 says. 10:04</p>	<p>1 Paradiso</p> <p>2 Q. And nor do I. And as you can tell, 10:04</p> <p>3 I am not trying to trip you up. I am just, for 10:04</p> <p>4 the record, trying to get exactly what you 10:04</p> <p>5 wrote and to make sure that it was completely 10:04</p> <p>6 accurate and that you have complete confidence 10:04</p> <p>7 in it. 10:04</p> <p>8 MR. GOODSTADT: Objection. 10:04</p> <p>9 Q. Okay. So let's look at that first 10:05</p> <p>10 sentence. You were responsible for the 10:05</p> <p>11 planning and directing of law enforcement 10:05</p> <p>12 activities. 10:05</p> <p>13 Can you tell the court and the jury 10:05</p> <p>14 that may be looking at this videotape what did 10:05</p> <p>15 you mean by that? 10:05</p> <p>16 A. Whatever the Police Department was 10:05</p> <p>17 charged to do in the Village, I was in charge 10:05</p> <p>18 of directing the police officers to take those 10:05</p> <p>19 actions. 10:05</p> <p>20 Q. And when you wrote "all police 10:05</p> <p>21 functions within the Village," what did you 10:05</p> <p>22 mean by "police functions"? 10:05</p> <p>23 A. The enforcement of laws, police 10:05</p> <p>24 activity. 10:05</p> <p>25 Q. You then go on in paragraph 6 to 10:05</p>

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<p>1 Paradiso</p> <p>2 say: "Not by limitation, I was in charge of 10:05</p> <p>3 training police personnel and maintaining the 10:05</p> <p>4 standards throughout the department." Do you 10:05</p> <p>5 see that? 10:05</p> <p>6 A. Yes. 10:05</p> <p>7 Q. What did you mean by "training 10:05</p> <p>8 police personnel"? 10:05</p> <p>9 A. I was in charge to make sure that 10:05</p> <p>10 people were trained properly and I would 10:05</p> <p>11 arrange for training if they needed it. 10:05</p> <p>12 Q. Would that be -- would that include 10:06</p> <p>13 codes? 10:06</p> <p>14 A. Village codes? 10:06</p> <p>15 Q. Yes, police codes. 10:06</p> <p>16 A. Radio -- 10:06</p> <p>17 Q. Yes, radio codes. 10:06</p> <p>18 A. Yes. 10:06</p> <p>19 Q. Okay. And you trained police 10:06</p> <p>20 personnel to know the Village police radio 10:06</p> <p>21 codes? 10:06</p> <p>22 A. Yeah. Everyone was handed a card. 10:06</p> <p>23 These are the codes that we used every day. 10:06</p> <p>24 Q. Now, let me ask this question to 10:06</p> <p>25 you. Between 2000 and September of 2005 did 10:06</p>	<p>1 Paradiso</p> <p>2 you ever come to learn that any police officer 10:06</p> <p>3 at Ocean Beach did not know the police radio 10:06</p> <p>4 codes? 10:06</p> <p>5 A. No. 10:06</p> <p>6 Q. Did you ever receive a complaint 10:06</p> <p>7 from any citizen who resided in Ocean Beach 10:06</p> <p>8 that any police officer did not know police 10:06</p> <p>9 radio code? 10:06</p> <p>10 A. I don't remember receiving any 10:06</p> <p>11 complaints of that nature, no. 10:06</p> <p>12 Q. Okay. You then go on to state in 10:07</p> <p>13 the sentence: "Including directing the 10:07</p> <p>14 operations training procedures and policies of 10:07</p> <p>15 the Police Department, I issued working orders 10:07</p> <p>16 for the department and maintained discipline 10:07</p> <p>17 and morale." Do you see that? 10:07</p> <p>18 A. Yes. 10:07</p> <p>19 Q. Completely accurate? 10:07</p> <p>20 A. Yes. 10:07</p> <p>21 Q. No doubt as you sit here today as to 10:07</p> <p>22 the accuracy of this statement? 10:07</p> <p>23 A. No. 10:07</p> <p>24 Q. You were the man? 10:07</p> <p>25 A. Yes. 10:07</p>
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<p>1 Paradiso</p> <p>2 Q. Not Mr. Hesse, but you? 10:07</p> <p>3 A. Correct. 10:07</p> <p>4 Q. Even though you worked different 10:07</p> <p>5 shifts; correct? 10:07</p> <p>6 A. Right. 10:07</p> <p>7 Q. Mr. Hesse was your subordinate? 10:07</p> <p>8 A. Yes. 10:07</p> <p>9 Q. "I also directed the preparation of 10:07</p> <p>10 written reports and I directed the 10:07</p> <p>11 investigation of criminal offenses." Do you 10:07</p> <p>12 see that? 10:07</p> <p>13 A. Yes. 10:07</p> <p>14 Q. You were, with regard now to the 10:07</p> <p>15 Police Department only, the person in charge of 10:07</p> <p>16 setting policy; correct? 10:07</p> <p>17 MR. GOODSTADT: Objection. 10:07</p> <p>18 A. Yes. 10:07</p> <p>19 MR. NOVIKOFF: What's your 10:08</p> <p>20 objection? 10:08</p> <p>21 MR. GOODSTADT: What do you mean by 10:08</p> <p>22 "policy"? 10:08</p> <p>23 Q. Do you have an understanding as to 10:08</p> <p>24 what I mean by "policy," sir? 10:08</p> <p>25 A. The rules of the department, 10:08</p>	<p>1 Paradiso</p> <p>2 procedures that they would follow. 10:08</p> <p>3 Q. Based upon your understanding of the 10:08</p> <p>4 word "policy," you were the person responsible 10:08</p> <p>5 in the Police Department for setting policy; 10:08</p> <p>6 correct? 10:08</p> <p>7 A. Yes. 10:08</p> <p>8 Q. Number 7: "I dealt directly with 10:08</p> <p>9 the State Commission of Correction as well as 10:08</p> <p>10 the Suffolk County Police Department on issues 10:08</p> <p>11 of evaluation and procedure acting as the main 10:08</p> <p>12 point person from the department." Do you see 10:08</p> <p>13 that? 10:08</p> <p>14 A. Yes. 10:08</p> <p>15 Q. Now, Mr. Hesse wasn't the main point 10:08</p> <p>16 person, was he, as it pertains to the State 10:08</p> <p>17 Commission of Correction and the Suffolk County 10:08</p> <p>18 Police Department? 10:09</p> <p>19 A. No. 10:09</p> <p>20 MR. GOODSTADT: Can we just get a 10:09</p> <p>21 time frame for when these questions are? 10:09</p> <p>22 MR. NOVIKOFF: I think they are 10:09</p> <p>23 all -- 10:09</p> <p>24 MR. GOODSTADT: Before he went out 10:09</p> <p>25 on leave? 10:09</p>

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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Yes, before he went 10:09</p> <p>3 out on leave. 10:09</p> <p>4 Q. I am not asking you anything about 10:09</p> <p>5 when you left, because obviously you weren't 10:09</p> <p>6 there. Correct? You understood the time 10:09</p> <p>7 frame -- 10:09</p> <p>8 A. Yes. 10:09</p> <p>9 Q. -- of all these questions? Good. 10:09</p> <p>10 MR. CONNOLLY: During his role as 10:09</p> <p>11 police chief? 10:09</p> <p>12 Q. During your role as police chief. 10:09</p> <p>13 Those fifteen years that you referred to in the 10:09</p> <p>14 original affidavit. 10:09</p> <p>15 MR. GOODSTADT: Again, prior to 10:09</p> <p>16 going out on leave? 10:09</p> <p>17 MR. NOVIKOFF: Absolutely, prior to 10:09</p> <p>18 going out on leave. 10:09</p> <p>19 Q. Now, I think we are done with the 10:09</p> <p>20 affidavit, so thank you very much. 10:09</p> <p>21 A. Okay. 10:09</p> <p>22 Q. Now, I believe that you said that 10:09</p> <p>23 you learned about the filing of the federal 10:09</p> <p>24 lawsuit that brings you to be deposed today by 10:09</p> <p>25 reading it in the paper. 10:09</p>	<p>1 Paradiso</p> <p>2 A. Yes. 10:09</p> <p>3 Q. And I am not sure, did you ever read 10:09</p> <p>4 the Complaint? 10:10</p> <p>5 A. No. 10:10</p> <p>6 Q. Okay. 10:10</p> <p>7 A. You are not going to make me read it 10:10</p> <p>8 now, are you? 10:10</p> <p>9 Q. No, but we are going to go through 10:10</p> <p>10 it. 10:10</p> <p>11 A. Okay. 10:10</p> <p>12 Q. But I am not going to ask you about 10:10</p> <p>13 conversations yet. 10:10</p> <p>14 A. All right. 10:10</p> <p>15 MR. NOVIKOFF: Let's mark the 10:10</p> <p>16 following document as Paradiso 18. 10:10</p> <p>17 (Paradiso Exhibit 18, Complaint and 10:10</p> <p>18 Jury Demand, marked for identification.) 10:10</p> <p>19 Q. Now, before we go through the 10:10</p> <p>20 Complaint, I believe you said in response to 10:10</p> <p>21 one of Mr. Goodstadt's questions on Monday that 10:10</p> <p>22 you were heartbroken when you found out that 10:10</p> <p>23 the plaintiffs were suing the Village. 10:10</p> <p>24 A. I was heartbroken that this was 10:10</p> <p>25 happening in the department that I ran for so 10:10</p>
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<p>1 Paradiso</p> <p>2 many years. 10:10</p> <p>3 Q. And it pertained to events, at least 10:10</p> <p>4 to your knowledge, that occurred prior to you 10:10</p> <p>5 leaving; correct? 10:11</p> <p>6 A. Yeah, I guess, yeah. 10:11</p> <p>7 Q. Obviously you weren't there when the 10:11</p> <p>8 plaintiffs weren't hired, but a lot of the 10:11</p> <p>9 events -- 10:11</p> <p>10 A. Were let go, you mean. 10:11</p> <p>11 Q. Well, they say let go, we say 10:11</p> <p>12 weren't rehired. 10:11</p> <p>13 A. Oh, you said rehired. I thought you 10:11</p> <p>14 said hired. I'm sorry. 10:11</p> <p>15 Q. No. Right. They weren't rehired. 10:11</p> <p>16 And a lot of the events that you are 10:11</p> <p>17 aware of took place that the plaintiffs claim 10:11</p> <p>18 in the Complaint while you were the chief; 10:11</p> <p>19 right? 10:11</p> <p>20 A. Okay. 10:11</p> <p>21 Q. You understand that; right? 10:11</p> <p>22 A. I understand that. 10:11</p> <p>23 Q. Okay. So now let's go through, and 10:11</p> <p>24 you understand that the plaintiffs are, among 10:11</p> <p>25 others, Mr. Fiorillo; correct? 10:11</p>	<p>1 Paradiso</p> <p>2 A. Yes. 10:11</p> <p>3 Q. Okay. So this is Mr. Fiorillo's 10:11</p> <p>4 Complaint as well as Mr. Snyder's, Mr. Nofi's 10:11</p> <p>5 Mr. Carter's and Mr. Lamm's. You understand 10:11</p> <p>6 that? 10:11</p> <p>7 A. Yes. 10:11</p> <p>8 Q. Okay. And, in your opinion, would 10:11</p> <p>9 Mr. Fiorillo have allowed his attorneys to file 10:11</p> <p>10 a Complaint that wasn't accurate? 10:12</p> <p>11 MR. GOODSTADT: Objection. 10:12</p> <p>12 Q. In his belief? 10:12</p> <p>13 MR. GOODSTADT: Objection. 10:12</p> <p>14 A. I don't think I am qualified to 10:12</p> <p>15 answer that. 10:12</p> <p>16 Q. Okay. Let's look at the first page, 10:12</p> <p>17 preliminary statement. "Mr. Fiorillo and his 10:12</p> <p>18 fellow plaintiffs allege as follows. 10:12</p> <p>19 Plaintiffs are five police officers who had the 10:12</p> <p>20 courage to overcome the "blue wall of 10:12</p> <p>21 silence"." Do you see that? 10:12</p> <p>22 A. Yes. 10:12</p> <p>23 Q. While you were the chief of the 10:12</p> <p>24 Police Department, were you -- well, do you 10:12</p> <p>25 have an understanding as to what the phrase 10:12</p>

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<p>1 Paradiso</p> <p>2 "blue wall of silence" means? 10:12</p> <p>3 A. I've heard it used before. 10:12</p> <p>4 Q. And when you have heard it used 10:12</p> <p>5 before, do you recall the context in which it 10:12</p> <p>6 was used? 10:12</p> <p>7 A. That the police wouldn't talk about 10:12</p> <p>8 other police. 10:12</p> <p>9 Q. Okay. Now, while you were chief of 10:12</p> <p>10 police, before you went out on disability, and 10:12</p> <p>11 all my questions this is the time frame, unless 10:13</p> <p>12 I say differently it is from the time you 10:13</p> <p>13 became chief to the time you left on permanent 10:13</p> <p>14 disability, I think, in the end of September of 10:13</p> <p>15 2005. 10:13</p> <p>16 Were you aware of any blue wall of 10:13</p> <p>17 silence within the Ocean Beach Police 10:13</p> <p>18 Department? 10:13</p> <p>19 MR. GOODSTADT: Objection. 10:13</p> <p>20 A. No. 10:13</p> <p>21 Q. Did Mr. Fiorillo ever say to you in 10:13</p> <p>22 sum or substance that he believed that there 10:13</p> <p>23 was a blue wall of silence? 10:13</p> <p>24 A. I don't recall him saying that. 10:13</p> <p>25 Q. Did any of the other plaintiffs ever 10:13</p>	<p>1 Paradiso</p> <p>2 say to you in sum or substance that they 10:13</p> <p>3 believed that there was a blue wall of silence? 10:13</p> <p>4 A. I don't believe so. 10:13</p> <p>5 Q. Did you ever instruct any police 10:13</p> <p>6 officer to cover up any involvement of a 10:13</p> <p>7 criminal nature involving an Ocean Beach police 10:13</p> <p>8 officer? 10:13</p> <p>9 A. No. 10:13</p> <p>10 Q. Did you ever learn that Mr. Hesse 10:13</p> <p>11 ordered any officers to cover up any criminal 10:13</p> <p>12 involvement concerning an Ocean Beach Police 10:14</p> <p>13 Department officer? 10:14</p> <p>14 A. No. 10:14</p> <p>15 Q. Now, I believe you have testified 10:14</p> <p>16 that it's a small Village and you basically 10:14</p> <p>17 hear everything that goes on; correct? 10:14</p> <p>18 A. Right. 10:14</p> <p>19 Q. Would you agree with me that given 10:14</p> <p>20 the size of the Village and given your role at 10:14</p> <p>21 the Village that had there been a blue wall of 10:14</p> <p>22 silence that perhaps didn't involve Mr. Hesse, 10:14</p> <p>23 you would have heard about it? 10:14</p> <p>24 MR. GOODSTADT: Objection. 10:14</p> <p>25 A. I would believe I would have heard 10:14</p>
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<p>1 Paradiso</p> <p>2 about it. 10:14</p> <p>3 Q. Now, let's go to the next sentence. 10:14</p> <p>4 "And fulfill their duty to protect the public 10:14</p> <p>5 by speaking out in opposition to the regime of 10:14</p> <p>6 endemic corruption." Do you see that? 10:14</p> <p>7 A. Yes. 10:14</p> <p>8 Q. So now this is Mr. Fiorillo and the 10:14</p> <p>9 other four plaintiffs saying that the Police 10:14</p> <p>10 Department that you were the head of engaged in 10:14</p> <p>11 a regime of endemic corruption. 10:14</p> <p>12 Do you understand that is what 10:15</p> <p>13 Mr. Fiorillo and his plaintiffs are alleging? 10:15</p> <p>14 A. I see what it says. 10:15</p> <p>15 Q. And do you agree with Mr. Fiorillo 10:15</p> <p>16 and the other plaintiffs that under your 10:15</p> <p>17 direction and supervision as chief that there 10:15</p> <p>18 was a regime of endemic corruption within the 10:15</p> <p>19 Ocean Beach Police Department? 10:15</p> <p>20 MR. GOODSTADT: Objection. 10:15</p> <p>21 A. I don't feel there was. 10:15</p> <p>22 Q. Was there any corruption, to your 10:15</p> <p>23 knowledge, within the Ocean Beach Police 10:15</p> <p>24 Department while you were chief? 10:15</p> <p>25 A. None that I knew about. 10:15</p>	<p>1 Paradiso</p> <p>2 Q. To your knowledge, did Mr. Fiorillo 10:15</p> <p>3 ever complain to you about any type of 10:15</p> <p>4 corruption going on within the Ocean Beach 10:15</p> <p>5 Police Department while you were chief? 10:15</p> <p>6 A. No. 10:15</p> <p>7 Q. How about with regard to any of the 10:15</p> <p>8 four other plaintiffs? 10:15</p> <p>9 A. No. 10:15</p> <p>10 Q. Did Mr. Hesse ever go to you and 10:15</p> <p>11 complain to you that there is corruption going 10:16</p> <p>12 on within the Police Department? 10:16</p> <p>13 A. No. 10:16</p> <p>14 Q. How about the mayor? 10:16</p> <p>15 A. No. 10:16</p> <p>16 Q. How about any trustee member? 10:16</p> <p>17 A. No. 10:16</p> <p>18 Q. How about any newspaper person? 10:16</p> <p>19 A. No. 10:16</p> <p>20 Q. How about any resident? 10:16</p> <p>21 A. No. 10:16</p> <p>22 Q. So do you agree with Mr. Fiorillo's 10:16</p> <p>23 allegation in this Complaint that while you 10:16</p> <p>24 were the chief, there was a regime of endemic 10:16</p> <p>25 corruption within the Ocean Beach Police 10:16</p>

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<p>1 Paradiso</p> <p>2 Q. Did -- okay. So now we know that as 10:19</p> <p>3 a commander none of what plaintiffs allege in 10:19</p> <p>4 this paragraph pertains to you. You would 10:19</p> <p>5 agree with me; right? 10:19</p> <p>6 MR. GOODSTADT: Objection. 10:19</p> <p>7 A. Yes. 10:19</p> <p>8 MR. NOVIKOFF: What's the objection? 10:19</p> <p>9 MR. GOODSTADT: You said "we know" 10:19</p> <p>10 that that's the case. 10:19</p> <p>11 MR. NOVIKOFF: Fine. 10:19</p> <p>12 MR. GOODSTADT: That's what he 10:19</p> <p>13 testified to. 10:19</p> <p>14 Q. Mr. Paradiso, in your opinion -- 10:19</p> <p>15 MR. GOODSTADT: Exactly. 10:20</p> <p>16 Q. -- none of what Mr. Fiorillo and the 10:20</p> <p>17 other plaintiffs have alleged in this paragraph 10:20</p> <p>18 that I have just read pertains to you; right? 10:20</p> <p>19 A. No. 10:20</p> <p>20 Q. Okay. So was Mr. Hesse a commander, 10:20</p> <p>21 as you understand the word "commander" is used 10:20</p> <p>22 in this paragraph? 10:20</p> <p>23 A. He was the second in command. 10:20</p> <p>24 Q. Okay. Then let's go through it with 10:20</p> <p>25 Mr. Hesse. Did you ever see Mr. Hesse while in 10:20</p>	<p>1 Paradiso</p> <p>2 uniform drink alcohol? 10:20</p> <p>3 A. No. 10:20</p> <p>4 Q. Did you ever see Mr. Hesse while in 10:20</p> <p>5 uniform frequent local bars? 10:20</p> <p>6 A. If he had, it would be to eat his 10:20</p> <p>7 meal, as I did. 10:20</p> <p>8 Q. And did you ever see Mr. Hesse turn 10:20</p> <p>9 his back on minors consuming alcohol? 10:20</p> <p>10 A. No. 10:20</p> <p>11 Q. Did you ever see Mr. Hesse turn his 10:20</p> <p>12 back on minors using drugs? 10:20</p> <p>13 A. No. 10:20</p> <p>14 Q. Did you ever know Mr. Hesse -- did 10:20</p> <p>15 you ever see Mr. Hesse associate with known 10:20</p> <p>16 criminals? 10:21</p> <p>17 A. No. 10:21</p> <p>18 Q. Did you ever see Mr. Hesse allow 10:21</p> <p>19 friends and acquaintances to violate the law 10:21</p> <p>20 while in Ocean Beach with impunity? 10:21</p> <p>21 A. No. 10:21</p> <p>22 Q. Did you ever see Mr. Hesse cover up 10:21</p> <p>23 numerous acts of despicable police brutality? 10:21</p> <p>24 A. No. 10:21</p> <p>25 Q. Did you ever see Mr. Hesse silence 10:21</p>
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<p>1 Paradiso</p> <p>2 witnesses -- 10:21</p> <p>3 A. No. 10:21</p> <p>4 Q. -- by coercion? 10:21</p> <p>5 A. No. 10:21</p> <p>6 Q. Did you ever see Mr. Hesse coerce 10:21</p> <p>7 the silencing of victims? 10:21</p> <p>8 A. No. 10:21</p> <p>9 Q. Did you ever see Mr. Hesse coerce 10:21</p> <p>10 the silencing of any other police officer? 10:21</p> <p>11 A. No. 10:21</p> <p>12 Q. Okay. Now that's what we have just 10:21</p> <p>13 gone through is what you have witnessed. Let's 10:21</p> <p>14 go through now what you may have heard. 10:21</p> <p>15 Did any -- did Mr. Fiorillo or any 10:21</p> <p>16 of the plaintiffs ever say to you that they 10:21</p> <p>17 witnessed Mr. Hesse drink alcohol while in 10:21</p> <p>18 uniform? 10:21</p> <p>19 A. No. 10:21</p> <p>20 Q. Did Mr. Fiorillo or any plaintiffs 10:21</p> <p>21 ever say to you that they saw Mr. Hesse 10:22</p> <p>22 frequent local bars? 10:22</p> <p>23 A. No. 10:22</p> <p>24 Q. Did Mr. Fiorillo or any of the 10:22</p> <p>25 plaintiffs ever advise you that Mr. Hesse was 10:22</p>	<p>1 Paradiso</p> <p>2 recklessly turning their backs on minors 10:22</p> <p>3 consuming alcohol? 10:22</p> <p>4 A. No. 10:22</p> <p>5 Q. Did Mr. Hesse -- I'm sorry. 10:22</p> <p>6 Did Mr. Fiorillo or any of the 10:22</p> <p>7 plaintiffs ever advise you that Mr. Hesse was 10:22</p> <p>8 turning his back on minors using drugs? 10:22</p> <p>9 A. No. 10:22</p> <p>10 Q. Did Mr. Fiorillo or any of the 10:22</p> <p>11 plaintiffs ever advise you that Mr. Hesse was 10:22</p> <p>12 associating with a known criminal? 10:22</p> <p>13 A. No. 10:22</p> <p>14 Q. Did Mr. Fiorillo or any of the 10:22</p> <p>15 plaintiffs ever advise you that Mr. Hesse was 10:22</p> <p>16 allowing friends and acquaintances to violate 10:22</p> <p>17 the law while in Ocean Beach? 10:22</p> <p>18 A. No. 10:22</p> <p>19 Q. With impunity? 10:22</p> <p>20 A. No. 10:22</p> <p>21 Q. Did Mr. Fiorillo and any of the 10:22</p> <p>22 plaintiffs ever advise you that Mr. Hesse was 10:22</p> <p>23 covering up any act of despicable police 10:22</p> <p>24 brutality? 10:22</p> <p>25 A. No. 10:23</p>

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<p>1 Paradiso</p> <p>2 Q. How about just police brutality in 10:23</p> <p>3 general? 10:23</p> <p>4 A. Any police brutality would be 10:23</p> <p>5 despicable. 10:23</p> <p>6 Q. Yes, but I want to make sure that I 10:23</p> <p>7 cover everything that they are saying. 10:23</p> <p>8 Did Mr. Fiorillo or any of the other 10:23</p> <p>9 plaintiffs ever advise you that Mr. Hesse 10:23</p> <p>10 coerced the silencing of witnesses? 10:23</p> <p>11 A. No. 10:23</p> <p>12 Q. How about the coercion of the 10:23</p> <p>13 silencing of victims? 10:23</p> <p>14 A. No. 10:23</p> <p>15 Q. How about the coercion of any other 10:23</p> <p>16 police officer? 10:23</p> <p>17 A. No. 10:23</p> <p>18 Q. Now, without going through 10:23</p> <p>19 everything that I have just gone through but 10:23</p> <p>20 applying to this paragraph, did you ever learn 10:23</p> <p>21 from any source that Mr. Hesse either engaged 10:23</p> <p>22 in or directed any of the acts that are 10:23</p> <p>23 identified in the paragraph that we have just 10:23</p> <p>24 gone through? 10:23</p> <p>25 A. No. 10:23</p>	<p>1 Paradiso</p> <p>2 Q. Let me ask you this question: Did 10:23</p> <p>3 Mr. Fiorillo -- now I am going to go plaintiff 10:24</p> <p>4 by plaintiff, because it's important. 10:24</p> <p>5 Did Mr. Fiorillo ever advise you, 10:24</p> <p>6 whether by phone, e-mail, letter, rock through 10:24</p> <p>7 a window, that Mr. Hesse was engaging in or 10:24</p> <p>8 directing others to engage in any act that was 10:24</p> <p>9 dangerous to the public? 10:24</p> <p>10 A. No. 10:24</p> <p>11 Q. Same question with regard to 10:24</p> <p>12 Mr. Snyder. 10:24</p> <p>13 A. No. 10:24</p> <p>14 Q. Same question with regard to 10:24</p> <p>15 Mr. Carter. 10:24</p> <p>16 A. No. 10:24</p> <p>17 Q. Same question with regard to 10:24</p> <p>18 Mr. Lamm. 10:24</p> <p>19 A. No. 10:24</p> <p>20 Q. Same question with regard to 10:24</p> <p>21 Mr. Nofi. 10:25</p> <p>22 A. Nofi. 10:25</p> <p>23 Q. Nofi. 10:25</p> <p>24 A. No. 10:25</p> <p>25 Q. Let's go to paragraph 13, and I am 10:25</p>
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<p>1 Paradiso</p> <p>2 going to read it into the record and then I am 10:25</p> <p>3 going to ask you some questions. 10:25</p> <p>4 "Defendant George B. Hesse ("Hesse") 10:25</p> <p>5 was and is employed by Ocean Beach and the OBPD 10:25</p> <p>6 with his principal place of business at Bay and 10:25</p> <p>7 Bayberry Walks, Ocean Beach, New York. Upon 10:25</p> <p>8 information and belief Hesse resides in Suffolk 10:25</p> <p>9 County, New York. At all times hereinafter 10:25</p> <p>10 mentioned Defendant Hesse was and is the 10:26</p> <p>11 official responsible for the management and 10:26</p> <p>12 supervision of the OBPD, including its 10:26</p> <p>13 maintenance and operation, as well as the 10:26</p> <p>14 hiring, promotion and discipline of employees, 10:26</p> <p>15 and all other employment-related issues. 10:26</p> <p>16 Additionally, Hesse was and is a policy maker 10:26</p> <p>17 for the OBPD charged with the responsibility of 10:26</p> <p>18 ensuring that employees are not subject to 10:26</p> <p>19 unlawful treatment. He is also responsible for 10:26</p> <p>20 properly training and supervising employees of 10:26</p> <p>21 the OBPD. Hesse engaged in the unlawful 10:26</p> <p>22 conduct as set forth below." 10:26</p> <p>23 Now, let's focus on the part of 10:26</p> <p>24 paragraph 13 that starts with "at all times 10:26</p> <p>25 hereinafter." Do you see that? 10:26</p>	<p>1 Paradiso</p> <p>2 A. Yes. 10:26</p> <p>3 Q. Mr. Fiorillo alleges, I believe 10:26</p> <p>4 under penalty of perjury -- 10:26</p> <p>5 MR. GOODSTADT: Objection. 10:26</p> <p>6 Q. --- that "Defendant Hesse was and is 10:26</p> <p>7 the official responsible for the management and 10:26</p> <p>8 supervision of the OBPD including its 10:27</p> <p>9 maintenance and operation as well as the 10:27</p> <p>10 hiring, promotion and discipline of employees 10:27</p> <p>11 and all other employment-related issues." 10:27</p> <p>12 Let's go to that part of the 10:27</p> <p>13 sentence that says he is responsible for the 10:27</p> <p>14 management and supervision of the OBPD. 10:27</p> <p>15 Sir, that's not a correct statement; 10:27</p> <p>16 correct? 10:27</p> <p>17 MR. GOODSTADT: Objection. 10:27</p> <p>18 Q. Well, sir, is that a correct 10:27</p> <p>19 statement? 10:27</p> <p>20 A. He had responsibilities and 10:27</p> <p>21 management and supervision duties, but not -- 10:27</p> <p>22 he wasn't the final say. During his shift he 10:27</p> <p>23 ran his shift, but he was answerable to me. 10:27</p> <p>24 Q. Right. And ultimately, sir, you 10:27</p> <p>25 would agree with me that you were the official 10:27</p>

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<p>1 Paradiso</p> <p>2 responsible for the management and supervision 10:27</p> <p>3 of the OBPB? 10:27</p> <p>4 A. During that time frame, yes. 10:27</p> <p>5 Q. You were the one who was 10:27</p> <p>6 accountable? 10:27</p> <p>7 A. Yes. 10:27</p> <p>8 Q. Now, was Mr. Hesse the official 10:27</p> <p>9 responsible for the maintenance and operation 10:28</p> <p>10 of the OBPB as Mr. Fiorillo and the other 10:28</p> <p>11 plaintiffs allege? 10:28</p> <p>12 A. I was in charge of everything, but I 10:28</p> <p>13 delegated certain things for George to oversee. 10:28</p> <p>14 Q. Like what? 10:28</p> <p>15 A. Vehicle maintenance. He did 10:28</p> <p>16 background investigations. We went through the 10:28</p> <p>17 different people who applied for the positions 10:28</p> <p>18 and he would make recommendations to me, but 10:28</p> <p>19 the final say would be mine. 10:28</p> <p>20 Q. Recommendations as to -- 10:28</p> <p>21 A. As to whose application we would 10:28</p> <p>22 pass on for employment or whatever. 10:28</p> <p>23 Q. But the final decision was yours? 10:28</p> <p>24 A. Yes. 10:28</p> <p>25 Q. So when Mr. Fiorillo and his other 10:28</p>	<p>1 Paradiso</p> <p>2 plaintiffs allege that Defendant Hesse was and 10:28</p> <p>3 is the official responsible for, and now I am 10:28</p> <p>4 going on to the remainder of the paragraph, the 10:28</p> <p>5 hiring, promotion and discipline of employees 10:29</p> <p>6 and all other employment-related issues, that's 10:29</p> <p>7 not correct, is it? 10:29</p> <p>8 A. That would be correct after 10:29</p> <p>9 September 26, 2006. 10:29</p> <p>10 Q. Right, but -- 10:29</p> <p>11 A. 2005. 10:29</p> <p>12 Q. -- but before that that's not 10:29</p> <p>13 correct; right? 10:29</p> <p>14 A. Right. 10:29</p> <p>15 Q. You were? 10:29</p> <p>16 A. Yes. 10:29</p> <p>17 Q. So when the Bosettis were hired, you 10:29</p> <p>18 were the one who decided to hire them; correct? 10:29</p> <p>19 A. Yes. 10:29</p> <p>20 Q. That was your decision that you 10:29</p> <p>21 recommended to the board to approve; right? 10:29</p> <p>22 A. Yes. 10:29</p> <p>23 Q. Now, let's assume just for the 10:29</p> <p>24 purposes of this question that they were hired 10:29</p> <p>25 in 2002. We have in the record when they were. 10:29</p>
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<p>1 Paradiso</p> <p>2 I am not exactly sure. 10:29</p> <p>3 It would be correct to say that it 10:29</p> <p>4 was your decision to rehire them for the 2003 10:29</p> <p>5 season; correct? 10:29</p> <p>6 A. Yes. 10:29</p> <p>7 Q. And it would be your decision to 10:29</p> <p>8 rehire them for the 2004 season; correct? 10:29</p> <p>9 A. Correct. 10:29</p> <p>10 Q. And it would have been your decision 10:29</p> <p>11 to rehire the Bosettis for the 2005 season; 10:29</p> <p>12 right? 10:29</p> <p>13 A. Right. 10:29</p> <p>14 Q. And then if they were rehired for 10:29</p> <p>15 2006, that's when it was Mr. Hesse's -- 10:30</p> <p>16 A. Correct. 10:30</p> <p>17 Q. -- responsibility; right? 10:30</p> <p>18 Same thing for every other police 10:30</p> <p>19 officer, correct, for 2002, 2003, 2004 and 10:30</p> <p>20 2005, if you wanted -- it was up to you to 10:30</p> <p>21 either rehire them for those seasons or not; 10:30</p> <p>22 correct? 10:30</p> <p>23 A. Correct. 10:30</p> <p>24 Q. Likewise, it was your decision if 10:30</p> <p>25 you didn't want to rehire them; right? 10:30</p>	<p>1 Paradiso</p> <p>2 A. Yes. 10:30</p> <p>3 Q. For the seasons. 10:30</p> <p>4 Now, did Mr. Hesse ever advise you 10:30</p> <p>5 let's just say starting in 2002 that any of the 10:30</p> <p>6 plaintiffs should not be rehired for the 10:30</p> <p>7 following season? 10:30</p> <p>8 Let me break it down. For the 2003 10:30</p> <p>9 season did Mr. Hesse ever advise you that in 10:30</p> <p>10 his opinion any of the five plaintiffs should 10:30</p> <p>11 not be rehired? 10:30</p> <p>12 A. No. 10:30</p> <p>13 Q. Did he ever advise you for the 2004 10:30</p> <p>14 season that any of the plaintiffs should not be 10:30</p> <p>15 rehired? 10:30</p> <p>16 A. I don't believe so, no. 10:30</p> <p>17 Q. How about for the 2005 season? 10:30</p> <p>18 A. No. 10:31</p> <p>19 Q. And while we are on the subject of 10:31</p> <p>20 the plaintiffs, I believe you testified to the 10:31</p> <p>21 varying shifts, the different shifts that some 10:31</p> <p>22 of the plaintiffs worked. Do you recall that 10:31</p> <p>23 testimony? 10:31</p> <p>24 A. Yes. 10:31</p> <p>25 Q. I believe, for the most part, they 10:31</p>

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<p>1 Paradiso</p> <p>2 all worked on the shift that Mr. Hesse was the 10:31</p> <p>3 officer supervising; right? 10:31</p> <p>4 MR. GOODSTADT: Objection. 10:31</p> <p>5 MR. NOVIKOFF: Withdrawn. 10:31</p> <p>6 Q. Would you agree with me that for the 10:31</p> <p>7 most part the plaintiffs worked the shifts 10:31</p> <p>8 under which Mr. Hesse also worked? 10:31</p> <p>9 MR. GOODSTADT: Objection. 10:31</p> <p>10 A. The schedule would rotate around, 10:31</p> <p>11 but the majority of the shifts that these guys 10:31</p> <p>12 worked were evening or night shifts, yes. 10:31</p> <p>13 Q. Right, and those were the majority 10:31</p> <p>14 of the shifts that Mr. Hesse worked? 10:31</p> <p>15 A. Correct. 10:31</p> <p>16 Q. And would you agree with me that 10:31</p> <p>17 given that fact, that Mr. Hesse saw more of 10:31</p> <p>18 their police work than you did between 2002 and 10:32</p> <p>19 the 2006 season? 10:32</p> <p>20 A. That would be a reasonable -- 10:32</p> <p>21 Q. Right. 10:32</p> <p>22 A. -- representation. 10:32</p> <p>23 Q. Not to suggest that you don't have 10:32</p> <p>24 an opinion of how they were and not to suggest 10:32</p> <p>25 that you weren't aware of what they were doing, 10:32</p>	<p>1 Paradiso</p> <p>2 but you would agree with me that on a 10:32</p> <p>3 day-to-day basis Mr. Hesse was more aware of 10:32</p> <p>4 what the officers did during their shifts than 10:32</p> <p>5 you did? 10:32</p> <p>6 A. Yes. 10:32</p> <p>7 Q. Now, Mr. Fiorillo and the other 10:32</p> <p>8 plaintiffs then go on to say that Mr. Hesse was 10:32</p> <p>9 and is the official responsible for ensuring 10:32</p> <p>10 that employees are not subject to unlawful 10:32</p> <p>11 treatment. Do you see that? 10:33</p> <p>12 A. Yes. 10:33</p> <p>13 Q. Now, for the period of time prior to 10:33</p> <p>14 September of -- the end of September of 2005, 10:33</p> <p>15 that's not an accurate statement, is it? 10:33</p> <p>16 A. No. 10:33</p> <p>17 Q. You are the person at the Ocean 10:33</p> <p>18 Beach Police Department that was responsible 10:33</p> <p>19 for properly training and supervising 10:33</p> <p>20 employees. Do you see that? 10:33</p> <p>21 A. Yes. 10:33</p> <p>22 Q. Same -- let's go to the next 10:33</p> <p>23 sentence. Mr. Fiorillo and the other 10:33</p> <p>24 plaintiffs allege that Mr. Hesse was and is the 10:33</p> <p>25 official responsible for properly training and 10:33</p>
Page 413	Page 414
<p>1 Paradiso</p> <p>2 supervising employees of the OBPD. Do you see 10:33</p> <p>3 that? 10:33</p> <p>4 A. Yes. 10:33</p> <p>5 Q. Again, prior to the end of September 10:33</p> <p>6 2005 that would not be an accurate statement; 10:33</p> <p>7 correct? 10:33</p> <p>8 A. No. 10:33</p> <p>9 Q. You would have been the person; 10:33</p> <p>10 correct? 10:33</p> <p>11 A. Yes. 10:33</p> <p>12 Q. Now, would you agree with me that at 10:33</p> <p>13 no time prior to the end of September 2005 did 10:33</p> <p>14 any of these plaintiffs complain to you that 10:33</p> <p>15 you, Mr. Paradiso, were not properly exercising 10:33</p> <p>16 your job responsibilities as chief of police? 10:33</p> <p>17 A. That would be correct. 10:33</p> <p>18 Q. And you did not learn from any 10:34</p> <p>19 source that any of these plaintiffs had 10:34</p> <p>20 complained to the mayor that you, Mr. Paradiso, 10:34</p> <p>21 were not properly exercising your 10:34</p> <p>22 responsibilities as police chief? 10:34</p> <p>23 A. No. 10:34</p> <p>24 Q. Same question as it pertains to 10:34</p> <p>25 Board of Trustees. You didn't learn from any 10:34</p>	<p>1 Paradiso</p> <p>2 trustee that any of the plaintiffs had 10:34</p> <p>3 complained to that particular trustee that you 10:34</p> <p>4 as chief were not fulfilling your functions as 10:34</p> <p>5 chief of police? 10:34</p> <p>6 A. No. 10:34</p> <p>7 Q. Now, let's just -- you had an open 10:34</p> <p>8 door, correct, in terms of complaints? 10:34</p> <p>9 MR. GOODSTADT: Objection. 10:34</p> <p>10 Q. Would you agree with me? 10:34</p> <p>11 A. Anybody could come in and talk to 10:34</p> <p>12 me. 10:34</p> <p>13 Q. Or they could call you up? 10:34</p> <p>14 A. Yes. 10:34</p> <p>15 Q. Right. In your opinion, did you 10:34</p> <p>16 inhibit by your conduct or your attitude 10:34</p> <p>17 anybody from complaining to you about anything 10:34</p> <p>18 involving the Ocean Beach Police Department? 10:34</p> <p>19 A. No. 10:34</p> <p>20 Q. And, in fact, if I recall, it was 10:34</p> <p>21 your policy that if the issue was pertaining to 10:35</p> <p>22 Sergeant Hesse, then the complaints should go 10:35</p> <p>23 to you as opposed to Mr. Hesse? 10:35</p> <p>24 A. Right. 10:35</p> <p>25 Q. Now, why was that your policy? 10:35</p>

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<p>1 Paradiso</p> <p>2 A. Because I wanted to know what was 10:35</p> <p>3 going on. 10:35</p> <p>4 Q. And did you feel that if Mr. Hesse 10:35</p> <p>5 was the problem, then complaining to Mr. Hesse 10:35</p> <p>6 wouldn't solve that problem? 10:35</p> <p>7 A. It would make sense. 10:35</p> <p>8 Q. Right. It would make sense that if 10:35</p> <p>9 Mr. Hesse was the problem, they would go to 10:35</p> <p>10 you? 10:35</p> <p>11 A. Yes. 10:35</p> <p>12 Q. And if you didn't satisfy their 10:35</p> <p>13 problem, where should they go after that, in 10:35</p> <p>14 your opinion? Who was the next in chain of 10:35</p> <p>15 command? 10:35</p> <p>16 A. It would be the mayor. 10:35</p> <p>17 Q. Right. So if hypothetically 10:35</p> <p>18 Mr. Fiorillo said that Mr. Hesse was treating 10:35</p> <p>19 him improperly and you ignored it, 10:35</p> <p>20 Mr. Fiorillo's next level of complaint, if he 10:36</p> <p>21 chose to do it, would have been to the mayor; 10:36</p> <p>22 right? 10:36</p> <p>23 A. Yes. 10:36</p> <p>24 Q. And is that because the mayor was 10:36</p> <p>25 the police commissioner? 10:36</p>	<p>1 Paradiso</p> <p>2 A. Yes. 10:36</p> <p>3 Q. Let's look at paragraph 29. 10:36</p> <p>4 Mr. Fiorillo and the other plaintiffs allege as 10:36</p> <p>5 follows. Hesse was -- I'm sorry. "In his 10:36</p> <p>6 capacity as sergeant, Hesse exercised direct 10:36</p> <p>7 supervisory authority over officers assigned to 10:36</p> <p>8 the night tour of duty including plaintiffs. 10:36</p> <p>9 Upon information and belief, Hesse was 10:36</p> <p>10 temporarily removed from his position as 10:36</p> <p>11 commander of the night shift for several months 10:37</p> <p>12 in and around 2002 in response to public 10:37</p> <p>13 complaints concerning his inadequate 10:37</p> <p>14 performance as the night shift commander." 10:37</p> <p>15 Were you aware of any public 10:37</p> <p>16 complaints as it's alleged in paragraph 29? 10:37</p> <p>17 A. I wasn't aware of the complaints, 10:37</p> <p>18 no. 10:37</p> <p>19 Q. So if I understand your testimony 10:37</p> <p>20 correctly, you never received a complaint 10:37</p> <p>21 directly from an Ocean Beach resident 10:37</p> <p>22 concerning Mr. Hesse's performance as a night 10:37</p> <p>23 commander prior to the change in shifts in 10:37</p> <p>24 2002? 10:37</p> <p>25 A. No. 10:37</p>
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<p>1 Paradiso</p> <p>2 Q. While we are on this, why don't we 10:37</p> <p>3 just talk a little bit about Ocean Beach, 10:37</p> <p>4 because we have -- you haven't been here for 10:37</p> <p>5 all the depositions, but I don't think anyone 10:37</p> <p>6 has actually described what Ocean Beach is. 10:37</p> <p>7 Describe for me the jurisdiction in 10:37</p> <p>8 which you were chief for fifteen years from a 10:37</p> <p>9 geographic standpoint. 10:37</p> <p>10 A. Okay. Ocean Beach was a summer 10:38</p> <p>11 resort community that had a year-round 10:38</p> <p>12 population of about 145 people, had a summer 10:38</p> <p>13 population in excess of 10,000 people. 10:38</p> <p>14 Boundaries of the Village were from the east, 10:38</p> <p>15 the western half of Surf Road, including all of 10:38</p> <p>16 the pavement, and two feet east of the 10:38</p> <p>17 pavement. That would continue on in a westerly 10:38</p> <p>18 direction for the next ten blocks ending at 10:38</p> <p>19 Surf Road. Surf View was the eastern road. 10:38</p> <p>20 Surf Road was the west road. From bay to ocean 10:38</p> <p>21 including the pavement and two feet west of the 10:38</p> <p>22 end of the payment. That was the geographical 10:38</p> <p>23 boundary of the Village. 10:39</p> <p>24 Q. From north to south, how long would 10:39</p> <p>25 it take to walk from north to south? 10:39</p>	<p>1 Paradiso</p> <p>2 A. The widest area of the Village was 10:39</p> <p>3 approximately 1,900 feet, so depending on how 10:39</p> <p>4 fast you could walk. 10:39</p> <p>5 Q. Before your injury, how long would 10:39</p> <p>6 it take you to walk? 10:39</p> <p>7 A. Eight minutes, seven minutes. 10:39</p> <p>8 Q. From east to west how long would it 10:39</p> <p>9 have taken you to walk? 10:39</p> <p>10 A. It was probably the same amount 10:39</p> <p>11 of -- same distance. Probably -- maybe a 10:39</p> <p>12 little shorter. Three or four minutes, five 10:39</p> <p>13 minutes, six minutes. 10:39</p> <p>14 Q. So that was the jurisdiction of the 10:39</p> <p>15 Police Department; correct? 10:39</p> <p>16 A. Correct. 10:39</p> <p>17 Q. Okay. Now, how about to drive -- 10:39</p> <p>18 well, what motor vehicles were available to the 10:39</p> <p>19 Police Department between 2002 and September of 10:39</p> <p>20 2005? 10:40</p> <p>21 A. We had bicycles, we had electric 10:40</p> <p>22 golf carts, and we had the police trucks. 10:40</p> <p>23 Q. Okay. How long would it take to 10:40</p> <p>24 drive a police truck -- well, could you drive a 10:40</p> <p>25 police truck north to south? 10:40</p>

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<p>1 Paradiso</p> <p>2 Did Mr. Fiorillo have to learn how 10:45</p> <p>3 to deal with the public from the first day that 10:45</p> <p>4 he was employed as a seasonal police officer to 10:45</p> <p>5 the time that you left? 10:45</p> <p>6 A. There is -- for new officers there 10:45</p> <p>7 is a learning curve on how to deal with the 10:45</p> <p>8 public, how to be able to remain calm in a 10:45</p> <p>9 situation where most people could lose their 10:45</p> <p>10 cool. Frank caught on very quickly. 10:45</p> <p>11 Q. And how about Mr. Nofi, did he have 10:45</p> <p>12 to learn as well? 10:45</p> <p>13 A. Like I said, all officers learn that 10:45</p> <p>14 if they have never worked in law enforcement 10:45</p> <p>15 before. 10:45</p> <p>16 Q. So would that be applicable to all 10:45</p> <p>17 five of the plaintiffs here, that there was 10:45</p> <p>18 some learning curve? 10:45</p> <p>19 A. Actually, Tommy Snyder and Eddie 10:45</p> <p>20 Carter both had law enforcement experience 10:45</p> <p>21 probably before becoming police officers, so 10:46</p> <p>22 they had an extensive knowledge on how to deal 10:46</p> <p>23 with the public prior to coming to work for me. 10:46</p> <p>24 Q. So at least in your opinion as 10:46</p> <p>25 between these five plaintiffs, the learning 10:46</p>	<p>1 Paradiso</p> <p>2 curve was applicable to Mr. Lamm, Mr. Fiorillo 10:46</p> <p>3 and Mr. Nofi? 10:46</p> <p>4 A. Right. 10:46</p> <p>5 Q. Now, again, did you have any 10:46</p> <p>6 hesitancy in rehiring the Bosettis for the 2003 10:46</p> <p>7 season? 10:46</p> <p>8 A. No. 10:46</p> <p>9 Q. Did you have any hesitancy in 10:46</p> <p>10 rehiring the Bosettis for the 2004 season? 10:46</p> <p>11 A. No. 10:46</p> <p>12 Q. Did you have any hesitancy in 10:46</p> <p>13 rehiring the Bosettis for the 2005 season? 10:46</p> <p>14 A. No. 10:46</p> <p>15 Q. How about Arnold Hardman, did you 10:46</p> <p>16 have any hesitancy in rehiring Mr. Hardman for 10:46</p> <p>17 any of the seasons between 2002 and 2005? 10:46</p> <p>18 A. No. 10:46</p> <p>19 Q. Same question with Mr. Carollo, any 10:46</p> <p>20 hesitancies? 10:46</p> <p>21 A. I don't think he worked in 2002. 10:46</p> <p>22 Q. Okay. Whenever Mr. Carollo worked 10:47</p> <p>23 within that time period, did you have any 10:47</p> <p>24 hesitancies in rehiring him? 10:47</p> <p>25 A. No. 10:47</p>
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<p>1 Paradiso</p> <p>2 Q. How about Ty Bacon? 10:47</p> <p>3 A. If I had any hesitancy in rehiring 10:47</p> <p>4 anybody, I wouldn't have rehired them. 10:47</p> <p>5 Q. And why is that? I understand it, 10:47</p> <p>6 but the jury may not. 10:47</p> <p>7 A. If I thought there was a problem 10:47</p> <p>8 with an officer or the way they did their job, 10:47</p> <p>9 I just wouldn't bring them back. 10:47</p> <p>10 Q. And that would have been your 10:47</p> <p>11 discretion; right? 10:47</p> <p>12 A. Right. 10:47</p> <p>13 Q. They were seasonal; right? 10:47</p> <p>14 A. Seasonal and part-time. 10:47</p> <p>15 Q. So at least for the season there was 10:47</p> <p>16 no guarantee of working the next year? 10:47</p> <p>17 A. No. 10:47</p> <p>18 Q. That would have been up to you? 10:47</p> <p>19 A. Right. 10:47</p> <p>20 Q. Until you left, obviously; right? 10:47</p> <p>21 A. Correct. 10:47</p> <p>22 Q. Let's go to paragraph 30. "In or 10:47</p> <p>23 around May 2002 Hesse began to install and 10:47</p> <p>24 consolidate a regime of corruption, cronyism 10:48</p> <p>25 and outright thuggery in the Ocean Beach Police 10:48</p>	<p>1 Paradiso</p> <p>2 Department." Do you agree with that 10:48</p> <p>3 allegation; sir? 10:48</p> <p>4 A. No. 10:48</p> <p>5 Q. Did you see any evidence as police 10:48</p> <p>6 chief that Mr. Hesse was installing and/or 10:48</p> <p>7 consolidating a regime of corruption? 10:48</p> <p>8 A. No. 10:48</p> <p>9 Q. Cronyism? 10:48</p> <p>10 A. No. 10:48</p> <p>11 Q. Outright thuggery? 10:48</p> <p>12 A. No. 10:48</p> <p>13 Q. Did you ever see any thuggery that 10:48</p> <p>14 went on between 2002 and 2005 concerning 10:48</p> <p>15 Mr. Hesse? 10:48</p> <p>16 A. What exactly is thuggery? 10:48</p> <p>17 Q. I don't know. If you don't 10:48</p> <p>18 understand it, then that's fine. 10:48</p> <p>19 MR. GOODSTADT: So why are you 10:48</p> <p>20 asking the questions on a word that you 10:48</p> <p>21 don't know? 10:48</p> <p>22 MR. NOVIKOFF: What's that? 10:48</p> <p>23 MR. GOODSTADT: Why are you asking 10:48</p> <p>24 him the question on a word that you don't 10:48</p> <p>25 understand? 10:48</p>

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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Maybe he does. I 10:48</p> <p>3 don't know. This is your Complaint. I am 10:49</p> <p>4 asking him. 10:49</p> <p>5 MR. GOODSTADT: I understand what it 10:49</p> <p>6 means. 10:49</p> <p>7 MR. NOVIKOFF: Well, you are smarter 10:49</p> <p>8 than me -- 10:49</p> <p>9 MR. GOODSTADT: I think the jury 10:49</p> <p>10 understands what it means too. 10:49</p> <p>11 MR. NOVIKOFF: -- and Mr. Paradiso 10:49</p> <p>12 apparently. You know what, we will move 10:49</p> <p>13 on. 10:49</p> <p>14 Q. Now let's go paragraph 31. 10:49</p> <p>15 Mr. Fiorillo and the other plaintiffs allege 10:49</p> <p>16 that, quote: "Indeed several purported 10:49</p> <p>17 officers in the OBPD failed to even take, let 10:49</p> <p>18 alone pass, the regimen of tests required for 10:49</p> <p>19 certification as a police officer in Suffolk 10:49</p> <p>20 County." Do you see that? 10:49</p> <p>21 A. Yes. 10:49</p> <p>22 Q. Now, that was not Mr. Hesse's fault, 10:49</p> <p>23 was it? 10:49</p> <p>24 A. I don't believe it was anyone's 10:49</p> <p>25 fault. 10:49</p>	<p>1 Paradiso</p> <p>2 Q. Right. I agree with you, but my 10:49</p> <p>3 question is now specifically to Mr. Hesse. 10:49</p> <p>4 And, Mr. Paradiso, the reason why I am focusing 10:49</p> <p>5 on Mr. Hesse is because you are not named as a 10:49</p> <p>6 defendant in the lawsuit and Mr. Hesse is. 10:49</p> <p>7 Trust me, if you were named as a defendant, I 10:49</p> <p>8 would be asking the questions towards you as 10:50</p> <p>9 well. 10:50</p> <p>10 A. Okay. 10:50</p> <p>11 Q. So let's just stick with Mr. Hesse. 10:50</p> <p>12 The allegation of 31, if true, that was not 10:50</p> <p>13 Mr. Hesse's fault; correct? 10:50</p> <p>14 A. No. 10:50</p> <p>15 Q. And while we are on the subject, 10:50</p> <p>16 since Mr. Goodstadt spent a considerable time 10:50</p> <p>17 on it on Monday, there came a time that you 10:50</p> <p>18 learned that certain police officers needed to 10:50</p> <p>19 be certified by Suffolk County Civil Service; 10:50</p> <p>20 right? 10:50</p> <p>21 A. Right. 10:50</p> <p>22 Q. Prior to that time you, 10:50</p> <p>23 Mr. Paradiso, did not believe that officers who 10:50</p> <p>24 had worked in the city system as police 10:50</p> <p>25 officers needed to be certified by Suffolk 10:50</p>
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<p>1 Paradiso</p> <p>2 County; correct? 10:50</p> <p>3 A. No. 10:50</p> <p>4 Q. And, in fact, you hired a few 10:50</p> <p>5 officers, the Bosettis among them, who were 10:50</p> <p>6 former New York City police officers who had 10:50</p> <p>7 not been certified by Suffolk County; correct? 10:50</p> <p>8 A. Correct. 10:50</p> <p>9 Q. So now when you learned that Suffolk 10:50</p> <p>10 County required certification, Suffolk County 10:50</p> <p>11 Civil Service, you had a discussion with whom, 10:51</p> <p>12 if anyone, at Suffolk County Civil Service 10:51</p> <p>13 concerning this issue? 10:51</p> <p>14 A. I didn't have a direct discussion 10:51</p> <p>15 with anyone at Civil Service. 10:51</p> <p>16 Q. Okay. Did you ever learn from any 10:51</p> <p>17 source that Suffolk County Civil Service was 10:51</p> <p>18 giving the Police Department some time to get 10:51</p> <p>19 their house in order -- 10:51</p> <p>20 A. Yes. 10:51</p> <p>21 Q. -- on this issue? 10:51</p> <p>22 A. Yes. 10:51</p> <p>23 Q. And had they not given you time, you 10:51</p> <p>24 would have been forced to fire the uncertified 10:51</p> <p>25 officers; correct? 10:51</p>	<p>1 Paradiso</p> <p>2 A. Correct. 10:51</p> <p>3 Q. And what would that have done, in 10:51</p> <p>4 your opinion, to the Police Department at that 10:51</p> <p>5 time? 10:51</p> <p>6 A. It would have left us severely 10:51</p> <p>7 short-handed. 10:51</p> <p>8 Q. Okay. Now, did you ever learn from 10:51</p> <p>9 any source that Suffolk County Civil Service 10:51</p> <p>10 was saying to you, the Police Department, you 10:51</p> <p>11 must fire uncertified officers immediately? 10:51</p> <p>12 A. No. 10:51</p> <p>13 Q. And had you learned that Suffolk 10:51</p> <p>14 County Civil Service was demanding the 10:51</p> <p>15 terminations of any seasonal or part-time 10:52</p> <p>16 officer, what would you have done? 10:52</p> <p>17 A. I would have had to let them go. 10:52</p> <p>18 Q. Because you were not going to 10:52</p> <p>19 violate the law? 10:52</p> <p>20 A. No. 10:52</p> <p>21 MR. GOODSTADT: Objection. 10:52</p> <p>22 Q. Now, let's go to paragraph 32. 10:52</p> <p>23 Mr. Fiorillo alleges -- Mr. Fiorillo and the 10:52</p> <p>24 other plaintiffs allege that: "As just one 10:52</p> <p>25 example, Hesse allowed his allies on the 10:52</p>

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<p>1 Paradiso</p> <p>2 force" -- let me stop there. 10:52</p> <p>3 Were you aware that Mr. Hesse had 10:52</p> <p>4 any allies on the force? 10:52</p> <p>5 A. We were all allies. 10:52</p> <p>6 Q. Mr. Fiorillo then goes on to allege: 10:52</p> <p>7 "Many of whom were unqualified." 10:52</p> <p>8 Did you ever hire any seasonal 10:52</p> <p>9 officer, Mr. Paradiso, who you believed was 10:52</p> <p>10 unqualified? 10:52</p> <p>11 A. No. 10:52</p> <p>12 Q. And, in fact, let's talk about the 10:53</p> <p>13 Bosettis very briefly. Would you agree with me 10:53</p> <p>14 at least with regard to experience as police 10:53</p> <p>15 officers both of the Bosettis had much more 10:53</p> <p>16 experience than any of the five plaintiffs 10:53</p> <p>17 here? 10:53</p> <p>18 A. As police officers? 10:53</p> <p>19 Q. Yes. 10:53</p> <p>20 A. Yes. 10:53</p> <p>21 Q. Mr. Fiorillo then goes on to say: 10:53</p> <p>22 "And had not been duly certified by Suffolk 10:53</p> <p>23 County Civil Service to spend their shifts 10:53</p> <p>24 drinking at local bars while in uniform and 10:53</p> <p>25 officially on duty." 10:53</p>	<p>1 Paradiso</p> <p>2 Would you agree with me, sir, that 10:53</p> <p>3 in your capacity as police chief if police 10:53</p> <p>4 officers were spending their shifts in uniform 10:53</p> <p>5 on duty drinking, you would have learned about 10:53</p> <p>6 it from some source? 10:53</p> <p>7 MR. GOODSTADT: Objection. 10:54</p> <p>8 A. I believe so. 10:54</p> <p>9 Q. And why is that? Why would you have 10:54</p> <p>10 learned about it from some source? 10:54</p> <p>11 A. Because I was the chief. Somebody 10:54</p> <p>12 would have said something. There is no way 10:54</p> <p>13 that could have gone on without somebody 10:54</p> <p>14 saying, you know, giving me a call or a note or 10:54</p> <p>15 a knock on my door or anything like that. 10:54</p> <p>16 Q. And, in fact, there were trustee 10:54</p> <p>17 members and perhaps a mayor or two that were 10:54</p> <p>18 not fans of yours; correct? 10:54</p> <p>19 MR. GOODSTADT: Objection. 10:54</p> <p>20 A. That's correct. 10:54</p> <p>21 Q. Would it be fair to say that, you 10:54</p> <p>22 know, a mayor or a trustee that was not a fan 10:54</p> <p>23 of yours would have relished the opportunity to 10:54</p> <p>24 give you a dig involving an officer that they 10:54</p> <p>25 saw drinking in a bar while on duty? 10:54</p>
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<p>1 Paradiso</p> <p>2 MR. GOODSTADT: Objection. 10:54</p> <p>3 A. I don't think they would relish the 10:54</p> <p>4 opportunity. They would take it as a personal 10:54</p> <p>5 problem for the Village and in their role as a 10:54</p> <p>6 Village official they would be compelled to say 10:54</p> <p>7 something. If they didn't, they would be 10:55</p> <p>8 negligent in their vow. 10:55</p> <p>9 Q. Any trustee or mayor ever tell you 10:55</p> <p>10 that they had even heard a rumor that any 10:55</p> <p>11 police officer at any time while in uniform was 10:55</p> <p>12 drinking alcohol in a bar? 10:55</p> <p>13 A. No. 10:55</p> <p>14 Q. 32: "Moreover, Hesse instructed 10:55</p> <p>15 other officers under his command, including 10:55</p> <p>16 plaintiffs, to neglect their own duties in 10:55</p> <p>17 order to chauffeur their intoxicated colleagues 10:55</p> <p>18 both inside and out of Ocean Beach." Do you 10:55</p> <p>19 see that? 10:55</p> <p>20 A. Yes. 10:55</p> <p>21 Q. Did you ever learn from any source 10:55</p> <p>22 even the rumor that Mr. Hesse had instructed 10:55</p> <p>23 other officers to do that which I just read? 10:55</p> <p>24 A. I don't believe Sergeant Hesse would 10:55</p> <p>25 have ordered anyone to neglect their duties. 10:55</p>	<p>1 Paradiso</p> <p>2 Q. Did you ever hear even the rumor 10:56</p> <p>3 that Mr. Hesse had ordered any of the 10:56</p> <p>4 plaintiffs or anyone to chauffeur intoxicated 10:56</p> <p>5 police officers both inside and outside of 10:56</p> <p>6 Ocean Beach? 10:56</p> <p>7 A. If guys had gotten off at 4:00 in 10:56</p> <p>8 the evening and decided to go out later on off 10:56</p> <p>9 duty and still required a ride-off at change of 10:56</p> <p>10 tours, there would be times that they could be 10:56</p> <p>11 intoxicated and be driven off out of the beach. 10:56</p> <p>12 Q. Okay. You are aware that there were 10:56</p> <p>13 times when that happened? 10:56</p> <p>14 A. Yes. 10:56</p> <p>15 Q. Okay. And are you aware of who 10:56</p> <p>16 directed the person to drive these intoxicated 10:56</p> <p>17 officers? Would that have been Mr. Hesse? 10:56</p> <p>18 A. If it happened at night and George 10:56</p> <p>19 was on duty, then he wouldn't have just said 10:57</p> <p>20 "take the drunk guys off the beach." The shift 10:57</p> <p>21 change would have went and the guys would have 10:57</p> <p>22 got in the car and left also. 10:57</p> <p>23 Q. And if you were in charge, you would 10:57</p> <p>24 have issued that directive? 10:57</p> <p>25 A. Right. It wasn't a directive. It 10:57</p>

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1	Paradiso	1	Paradiso
2	was how we got on and off the beach. The boats 10:57	2	that Hesse undertook a concerted effort to 10:58
3	would stop running. Guys would have to go in 10:57	3	advance a hand-picked cadre of uncertified and 10:58
4	and out. So it could have taken place. 10:57	4	unqualified officers, is that an accurate 10:58
5	Q. Right. But you are not aware that 10:57	5	statement? 10:58
6	Mr. Hesse ever directed any of the plaintiffs 10:57	6	A. I don't believe so. 10:58
7	to neglect their duties in order to chauffeur 10:57	7	Q. In fact, Mr. Hesse, at least prior 10:58
8	police officers off and on the beach? 10:57	8	to your last day of full-time employment in 10:58
9	A. That's correct. 10:57	9	September of 2004, did not have the 10:58
10	Q. Okay. Let's look at paragraph 33. 10:57	10	authority -- 10:58
11	Did you ever hear even the rumor from any 10:57	11	A. 2006. 10:58
12	source that Mr. Hesse would be -- was 10:57	12	Q. 2006. 10:58
13	collecting money to have officers get rocket 10:57	13	A. Five. 2005. 10:58
14	fuel delivered to the police station? 10:58	14	Q. Did not have the authority to 10:58
15	A. No. 10:58	15	advance anyone's career at Ocean Beach; 10:58
16	Q. Let's look at paragraph 34. 10:58	16	correct? 10:58
17	"Moreover, beginning in May 2002 Hesse 10:58	17	A. No. 10:58
18	undertook a concerted effort to advance a 10:58	18	Q. Number 35. "Hesse also hired 10:59
19	hand-picked cadre of uncertified and 10:58	19	civilians as police dispatchers despite the 10:59
20	unqualified police officers who had not been 10:58	20	fact that they did not meet minimum standards 10:59
21	certified for duty by the Civil Service 10:58	21	in violation of Suffolk County Civil Service 10:59
22	Department and Suffolk County." Do you see 10:58	22	law." 10:59
23	where I was reading? 10:58	23	Put aside whether or not there is a 10:59
24	A. Yes. 10:58	24	violation of Suffolk County Civil Service law. 10:59
25	Q. Now, with regard to the allegation 10:58	25	The statement that Mr. Fiorillo and his 10:59
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1	Paradiso	1	Paradiso
2	plaintiffs allege, Hesse also hired civilians 10:59	2	Q. Or to put -- who would have put the 11:00
3	as the police dispatchers, is that a correct 10:59	3	public's health and safety at risk; correct? 11:00
4	statement? 10:59	4	A. No. 11:00
5	A. I hired the dispatchers. 10:59	5	Q. Before I go any further, 11:00
6	Q. And would you have hired any police 10:59	6	Mr. Paradiso, we have gone through a number of 11:00
7	dispatcher that you believed put any citizen at 10:59	7	allegations and your testimony is your 11:00
8	risk on Ocean Beach? 10:59	8	testimony. 11:00
9	A. The dispatchers that we hired were 10:59	9	As you sit here today, do you have 11:00
10	off-duty police officers from other 10:59	10	any explanation as to why Mr. Fiorillo and the 11:00
11	jurisdictions that -- or they might have been 10:59	11	other plaintiffs are making these specific 11:00
12	retired police officers. These were people 11:00	12	factual allegations in this Complaint if they 11:01
13	that had police experience, but like an active 11:00	13	are not true? 11:01
14	city, police -- New York City police officer 11:00	14	MR. GOODSTADT: Objection. 11:01
15	couldn't work for another Police Department in 11:00	15	A. I don't think I am qualified to 11:01
16	the role of a police officer, so I hired them 11:00	16	answer that question. I don't know what the 11:01
17	as dispatchers so I would have a knowledgeable 11:00	17	officers might have seen that I don't know -- I 11:01
18	person answering the phone and directing people 11:00	18	wasn't aware of or what reason they might want 11:01
19	over the radio. 11:00	19	to make a statement that I might not have 11:01
20	Q. So I think you have answered, but I 11:00	20	been -- that I wasn't aware of. It's not for 11:01
21	just want to make sure so the record is clear. 11:00	21	me to decide why they would make these claims. 11:01
22	You never, in your opinion, hired 11:00	22	Q. But certainly with regard to the 11:01
23	any police dispatcher who you considered to be 11:00	23	claims that we have gone through already, you 11:01
24	unqualified; correct? 11:00	24	never became aware of them from any source? 11:01
25	A. No. 11:00	25	A. No. 11:01

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<p>1 Paradiso</p> <p>2 Q. Let's go to 37. 37 refers to an 11:01</p> <p>3 incident that Mr. Nofi alleged took place when 11:02</p> <p>4 he issued a 10-1 on the radio and no one came 11:02</p> <p>5 to his aid. Would you agree with me? If you 11:02</p> <p>6 want to read 37, by all means, do so. 11:02</p> <p>7 (Document review.) 11:02</p> <p>8 A. Okay, I have read it. 11:02</p> <p>9 Q. And you would agree with me that 11:02</p> <p>10 this involves an incident, at least according 11:02</p> <p>11 to Mr. Nofi, that on one occasion he issued a 11:02</p> <p>12 10-1 and no one came to his aid? 11:02</p> <p>13 A. Correct. 11:02</p> <p>14 Q. Would you agree with me that a 10-1 11:02</p> <p>15 is among, if not the most important code that 11:02</p> <p>16 an officer can issue? 11:03</p> <p>17 A. Yes. 11:03</p> <p>18 Q. It's basically saying to anyone who 11:03</p> <p>19 is listening that an officer is down and his or 11:03</p> <p>20 her life is in danger? 11:03</p> <p>21 A. Yes. 11:03</p> <p>22 Q. And you would agree with me that 11:03</p> <p>23 that would be a pretty important event that 11:03</p> <p>24 took place in someone's life as a police 11:03</p> <p>25 officer, that they had to issue a 10-1? 11:03</p>	<p>1 Paradiso</p> <p>2 A. Yes. 11:03</p> <p>3 Q. Have you ever issued a 10-1? 11:03</p> <p>4 A. No. 11:03</p> <p>5 Q. Have you ever been on the phone, on 11:03</p> <p>6 the radio in Ocean Beach when someone has 11:03</p> <p>7 issued a 10-1? 11:03</p> <p>8 A. Yes. 11:03</p> <p>9 Q. Who? 11:03</p> <p>10 A. Sergeant Golippi. 11:03</p> <p>11 Q. Okay. And other than this one 11:03</p> <p>12 instance, was there any other instance when a 11:03</p> <p>13 10-1 was issued? 11:03</p> <p>14 A. That I heard? 11:03</p> <p>15 Q. That you heard. 11:03</p> <p>16 A. Yeah, I have responded to Suffolk 11:03</p> <p>17 County police's 10-1s out of the Village. 11:03</p> <p>18 Q. Okay, but in the Village. Other 11:03</p> <p>19 than Mr. Golippi's 10-1, did you ever hear 11:03</p> <p>20 another 10-1? 11:03</p> <p>21 A. I might have. I don't recall, 11:03</p> <p>22 but -- 11:04</p> <p>23 Q. But it's not a lot? 11:04</p> <p>24 A. You don't get them often. 11:04</p> <p>25 Q. It's not a common event? 11:04</p>
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<p>1 Paradiso</p> <p>2 A. No. 11:04</p> <p>3 Q. Did Mr. Nofi ever go to you and say 11:04</p> <p>4 in sum or substance, "chief, you are not gonna 11:04</p> <p>5 believe this, but my life was in jeopardy the 11:04</p> <p>6 other night, I called a 10-1 and no one came to 11:04</p> <p>7 help me"? 11:04</p> <p>8 A. I don't recall that ever happening. 11:04</p> <p>9 Q. Did you ever recall seeing a 11:04</p> <p>10 document that Mr. Nofi drafted, whether it was 11:04</p> <p>11 a police report or a memo, saying "this is what 11:04</p> <p>12 took place, I was in trouble, I issued a 10-1 11:04</p> <p>13 and no one came to help me"? 11:04</p> <p>14 A. No. 11:04</p> <p>15 Q. Would that be something in your 11:04</p> <p>16 experience as a police chief that you would 11:04</p> <p>17 want to know about from an officer? 11:04</p> <p>18 A. Yes. 11:04</p> <p>19 Q. And if you were aware or became -- 11:04</p> <p>20 as police chief if you did learn that an 11:04</p> <p>21 officer issued a 10-1 and no one came to his or 11:04</p> <p>22 her aid, you would want to investigate that; 11:04</p> <p>23 correct? 11:05</p> <p>24 A. Yes. 11:05</p> <p>25 MR. GOODSTADT: Objection. 11:05</p>	<p>1 Paradiso</p> <p>2 Q. Because the most important thing as 11:05</p> <p>3 a police officer, you would agree, is to make 11:05</p> <p>4 sure that another police officer's life was not 11:05</p> <p>5 in danger or if it was, that you would do 11:05</p> <p>6 everything in your power to ensure that that 11:05</p> <p>7 police officer was taken care of? 11:05</p> <p>8 A. Yes. 11:05</p> <p>9 Q. Let's look at paragraph 38. "Upon 11:05</p> <p>10 information and belief the Suffolk County 11:05</p> <p>11 Police Department compounded and exacerbated 11:05</p> <p>12 the severe danger to public safety by allowing 11:05</p> <p>13 certain of the uncertified officers to obtain 11:05</p> <p>14 firearm certification even though these 11:05</p> <p>15 officers did not have pistol permits and had 11:05</p> <p>16 not been trained or certified by the Suffolk 11:05</p> <p>17 County Police Academy or any other accredited 11:05</p> <p>18 police training agency in Suffolk County." Do 11:05</p> <p>19 you see that? 11:05</p> <p>20 A. Yes. 11:05</p> <p>21 Q. When you hired the Bosettis, what 11:05</p> <p>22 information, if any, did you have with regard 11:05</p> <p>23 to whether or not they were permitted to carry 11:06</p> <p>24 and use their pistols? 11:06</p> <p>25 A. I believe they had pistol permits. 11:06</p>

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<p>1 Paradiso</p> <p>2 Q. And you looked into this before you 11:06</p> <p>3 hired them? 11:06</p> <p>4 A. I believe so. 11:06</p> <p>5 Q. And you were satisfied that that was 11:06</p> <p>6 in compliance with whatever the law was? 11:06</p> <p>7 A. Yes. 11:06</p> <p>8 Q. And you had no concern that their 11:06</p> <p>9 having these pistols in Ocean Beach created a 11:06</p> <p>10 safety issue for the citizens? 11:06</p> <p>11 A. No. 11:06</p> <p>12 Q. At any point in time before 11:06</p> <p>13 September of 2005 did you become aware of any 11:06</p> <p>14 issue concerning the violation by the Bosettis 11:06</p> <p>15 or anybody else who were not trained by a 11:06</p> <p>16 Suffolk County agency concerning carrying their 11:06</p> <p>17 pistols? 11:06</p> <p>18 A. No. 11:06</p> <p>19 Q. Did the plaintiffs ever complain to 11:06</p> <p>20 you that any of the police officers were not 11:06</p> <p>21 properly qualified to carry their pistols 11:06</p> <p>22 because they had not been issued the 11:06</p> <p>23 certification by the Suffolk County police 11:07</p> <p>24 academy or other accredited police training 11:07</p> <p>25 agency in Suffolk County? 11:07</p>	<p>1 Paradiso</p> <p>2 A. No. 11:07</p> <p>3 Q. Let's look at 39. "In addition, 11:07</p> <p>4 Hesse allowed the uncertified officers to 11:07</p> <p>5 assign dock masters to "cover" their shifts at 11:07</p> <p>6 the OBPB, blithely entrusting law enforcement 11:07</p> <p>7 power and responsibility to untrained and 11:07</p> <p>8 unsupervised civilians." 11:07</p> <p>9 Do you have an understanding as to 11:07</p> <p>10 what Mr. Fiorillo and the other plaintiffs are 11:07</p> <p>11 alleging with regard to this allegation in 11:07</p> <p>12 paragraph 39? 11:07</p> <p>13 A. The only thing that I could see by 11:07</p> <p>14 something like this is from time to time we had 11:07</p> <p>15 dock masters that worked for the Village and 11:07</p> <p>16 they would cover the docks, they carried 11:07</p> <p>17 radios, and they would -- they were like extra 11:07</p> <p>18 set of eyes that worked the docks. Some of 11:07</p> <p>19 them were aspiring to become law enforcement 11:08</p> <p>20 officers later on. And if the dispatcher that 11:08</p> <p>21 was behind the desk had to go to the bathroom 11:08</p> <p>22 or had to run, you know, on a personal matter 11:08</p> <p>23 for like two or three minutes, they would -- we 11:08</p> <p>24 would call one of the dock masters in just to 11:08</p> <p>25 man the radios for a short period of time until 11:08</p>
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<p>1 Paradiso</p> <p>2 the guy came back from the bathroom or wherever 11:08</p> <p>3 he had to go quickly, but they couldn't cover a 11:08</p> <p>4 shift. You know, this would be like a 11:08</p> <p>5 temporary thing just to make sure we had 11:08</p> <p>6 somebody in the police station. 11:08</p> <p>7 Q. So that if a call came in there 11:08</p> <p>8 would be someone to answer the phone? 11:08</p> <p>9 A. Right. 11:08</p> <p>10 Q. And you were aware -- and did you 11:08</p> <p>11 ever ask a dockmaster to temporarily -- 11:08</p> <p>12 A. Yes. 11:08</p> <p>13 Q. -- cover a shift? 11:08</p> <p>14 A. And especially if there was an 11:08</p> <p>15 emergency somewhere in the Village and all the 11:08</p> <p>16 police officers had to run, and say instead of 11:08</p> <p>17 a dispatcher on duty they had -- I had a police 11:08</p> <p>18 officer behind the desk, if there was an 11:08</p> <p>19 emergency at one of the bars, they would call 11:09</p> <p>20 one of dock masters up so we could get an extra 11:09</p> <p>21 officer to run down there. 11:09</p> <p>22 Q. So Mr. Hesse, to the extent this 11:09</p> <p>23 allegation was even true that he allowed 11:09</p> <p>24 uncertified officers, whatever that means, to 11:09</p> <p>25 assign dock masters to cover shifts, that 11:09</p>	<p>1 Paradiso</p> <p>2 wasn't in violation of any Ocean Beach policy, 11:09</p> <p>3 was it? 11:09</p> <p>4 MR. GOODSTADT: Objection. 11:09</p> <p>5 A. They wouldn't be covering a shift. 11:09</p> <p>6 They would watch the phones on a temporary 11:09</p> <p>7 basis. 11:09</p> <p>8 Q. So would this be an accurate 11:09</p> <p>9 statement, in your opinion, given your 11:09</p> <p>10 experience as police chief that Hesse allowed 11:09</p> <p>11 uncertified officers to assign dock masters to 11:09</p> <p>12 cover their shifts? 11:09</p> <p>13 A. No. 11:09</p> <p>14 Q. Did you learn from any source ever 11:09</p> <p>15 as police chief that Mr. Hesse was allowing 11:09</p> <p>16 dock masters to cover the entire shifts of 11:09</p> <p>17 dispatchers? 11:09</p> <p>18 A. No. 11:09</p> <p>19 Q. Did Mr. Fiorillo or any of the 11:09</p> <p>20 plaintiffs ever complain to you about this 11:09</p> <p>21 issue that they have alleged in paragraph 39? 11:09</p> <p>22 A. No. 11:09</p> <p>23 Q. Let's look at paragraph 40. "Hesse 11:10</p> <p>24 also allowed the uncertified officers to drink 11:10</p> <p>25 beer while patrolling in police vehicles." 11:10</p>

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<p>1 Paradiso</p> <p>2 Did the plaintiffs ever advise you 11:10</p> <p>3 at any time that you were police chief that 11:10</p> <p>4 Mr. Hesse allowed anybody, whether certified or 11:10</p> <p>5 uncertified -- again, I don't know what that 11:10</p> <p>6 means -- that a particular officer was drinking 11:10</p> <p>7 beer while patrolling in a police vehicle? 11:10</p> <p>8 MR. GOODSTADT: Objection. 11:10</p> <p>9 A. No. 11:10</p> <p>10 MR. NOVIKOFF: There was an 11:10</p> <p>11 objection, so let me rephrase the question. 11:10</p> <p>12 MR. GOODSTADT: Are you going to 11:10</p> <p>13 take out your inappropriate colloquy about 11:10</p> <p>14 not knowing what things mean? 11:10</p> <p>15 MR. NOVIKOFF: I don't know. Maybe. 11:10</p> <p>16 I don't know what comes out of my mouth 11:10</p> <p>17 until it comes out. 11:10</p> <p>18 MR. GOODSTADT: Okay. Then I will 11:10</p> <p>19 object if I have to. 11:10</p> <p>20 MR. NOVIKOFF: Okay. 11:10</p> <p>21 Q. Mr. Paradiso, did the plaintiffs 11:10</p> <p>22 ever complain to you -- withdrawn. 11:10</p> <p>23 Did the plaintiffs ever advise you 11:10</p> <p>24 in whatever form that Hesse was allowing any 11:10</p> <p>25 police officer to drink beer while patrolling 11:11</p>	<p>1 Paradiso</p> <p>2 in police vehicles? 11:11</p> <p>3 A. No. 11:11</p> <p>4 Q. Did you ever hear from any source as 11:11</p> <p>5 police chief that that was taking place? 11:11</p> <p>6 A. No. 11:11</p> <p>7 Q. Did the plaintiffs ever advise you 11:11</p> <p>8 that they learned that Hesse was instructing 11:11</p> <p>9 officers as to what beer to confiscate? 11:11</p> <p>10 A. No. 11:11</p> <p>11 Q. Did you ever learn from any source 11:11</p> <p>12 that Hesse was, in fact, doing what was being 11:11</p> <p>13 alleged in paragraph 40 with regard to 11:11</p> <p>14 confiscating beer? 11:11</p> <p>15 A. No. 11:11</p> <p>16 Q. 42. "Despite plaintiffs' repeated 11:11</p> <p>17 complaints, Hesse's policy of allowing the 11:11</p> <p>18 uncertified officers to become intoxicated 11:11</p> <p>19 while on duty became even more expansive during 11:12</p> <p>20 the summer of 2004." 11:12</p> <p>21 Were you ever aware of a policy of 11:12</p> <p>22 Mr. Hesse's to allow any officers to become 11:12</p> <p>23 intoxicated while on duty? 11:12</p> <p>24 A. No. 11:12</p> <p>25 Q. Did you ever receive any 11:12</p>
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<p>1 Paradiso</p> <p>2 communication on even one occasion that a 11:12</p> <p>3 police officer while on duty was intoxicated? 11:12</p> <p>4 A. No. 11:12</p> <p>5 Q. Is that something that you think as 11:12</p> <p>6 police chief in this very small village you 11:12</p> <p>7 would have learned of through some source? 11:12</p> <p>8 A. Yes. 11:12</p> <p>9 MR. GOODSTADT: Just note my 11:12</p> <p>10 objection to that last question. 11:12</p> <p>11 MR. NOVIKOFF: How much time left? 11:12</p> <p>12 THE VIDEOGRAPHER: About six 11:12</p> <p>13 minutes. 11:12</p> <p>14 MR. NOVIKOFF: Okay. 11:12</p> <p>15 Q. Let's look at paragraph 43 and then 11:12</p> <p>16 I think we will end the tape with this 11:12</p> <p>17 paragraph. "By way of example only, Officer 11:12</p> <p>18 Snyder was assigned to OBPD headquarters where 11:12</p> <p>19 he served as an emergency dispatcher. 11:13</p> <p>20 Notwithstanding Hesse allowing the uncertified 11:13</p> <p>21 officers to frequent bars while on duty, 11:13</p> <p>22 Officer Snyder frequently would attempt to 11:13</p> <p>23 contact him over the emergency police radio if 11:13</p> <p>24 no other officers were available to respond to 11:13</p> <p>25 a public emergency. In retaliation for what 11:13</p>	<p>1 Paradiso</p> <p>2 they perceived as Officer Snyder's unwarranted 11:13</p> <p>3 interruptions, the uncertified officers began 11:13</p> <p>4 confiscating the Police Department's emergency 11:13</p> <p>5 cell phone from Officer Snyder at the start of 11:13</p> <p>6 his shift." Do you see that? 11:13</p> <p>7 A. Yes. 11:13</p> <p>8 Q. Would you agree with me, sir, that 11:13</p> <p>9 if Mr. Snyder was having his emergency cell 11:13</p> <p>10 phone taken away from him at the beginning of 11:13</p> <p>11 the shift, that that would have constituted a 11:13</p> <p>12 dangerous situation? 11:13</p> <p>13 A. Yes. 11:13</p> <p>14 Q. What is the importance of the 11:13</p> <p>15 emergency cell phone? 11:13</p> <p>16 A. Well, we could call forward our 11:13</p> <p>17 police line to that cell phone if he had to 11:13</p> <p>18 leave the office. 11:13</p> <p>19 Q. Did Mr. Snyder ever advise you that 11:13</p> <p>20 any officer was taking away his emergency cell 11:14</p> <p>21 phone before his shift? 11:14</p> <p>22 A. No. 11:14</p> <p>23 Q. Now, let's look at the last 11:14</p> <p>24 sentence. "When their shifts ended, they would 11:14</p> <p>25 return the emergency cell phone to Officer 11:14</p>

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<p>1 Paradiso</p> <p>2 Snyder, who would then review a series of 11:14</p> <p>3 unanswered messages from residents and/or 11:14</p> <p>4 visitors of Ocean Beach who had attempted in 11:14</p> <p>5 vain to contact the OBPD." Do you see that? 11:14</p> <p>6 A. Yes. 11:14</p> <p>7 Q. Do you understand what Mr. Snyder is 11:14</p> <p>8 saying is that there was a period of time that 11:14</p> <p>9 his cell phone was taken away where citizens or 11:14</p> <p>10 visitors to Ocean Beach were trying to contact 11:14</p> <p>11 the police and couldn't? 11:14</p> <p>12 A. I understand -- I understand that 11:14</p> <p>13 comment, yes. 11:15</p> <p>14 Q. Right. So you understand that's 11:15</p> <p>15 what Mr. Snyder is saying; correct? 11:15</p> <p>16 A. Yes. 11:15</p> <p>17 Q. That there were citizens or visitors 11:15</p> <p>18 of Ocean Beach who could not get through to the 11:15</p> <p>19 police because Mr. Snyder didn't have his 11:15</p> <p>20 emergency cell phone. Do you see that? 11:15</p> <p>21 A. Yes. 11:15</p> <p>22 Q. Would you agree with me that 11:15</p> <p>23 Mr. Snyder would have been derelict in his duty 11:15</p> <p>24 by not informing the chief of police that there 11:15</p> <p>25 were citizens and visitors of Ocean Beach who 11:15</p>	<p>1 Paradiso</p> <p>2 could not get police assistance because some 11:15</p> <p>3 other officers were taking away his cell phone? 11:15</p> <p>4 A. First off, I never felt that Officer 11:15</p> <p>5 Snyder was derelict in his duties. 11:15</p> <p>6 Q. I understand that, because you 11:15</p> <p>7 didn't know about this. Let's assume it's 11:15</p> <p>8 true. 11:15</p> <p>9 A. And, secondly, if he didn't have the 11:15</p> <p>10 cell phone, then he would be in the police 11:15</p> <p>11 station and the calls would be coming in to the 11:15</p> <p>12 police line, not to the cell phone. 11:16</p> <p>13 Q. Okay. But Mr. Snyder is saying at 11:16</p> <p>14 the end "who had attempted in vain to contact 11:16</p> <p>15 the Ocean Beach Police Department." Do you see 11:16</p> <p>16 that? 11:16</p> <p>17 A. Yes. 11:16</p> <p>18 Q. Do you agree with me that by saying 11:16</p> <p>19 "who had attempted in vain to contact the Ocean 11:16</p> <p>20 Beach Police Department," that means that they 11:16</p> <p>21 didn't succeed in getting the Ocean Beach 11:16</p> <p>22 Police Department? 11:16</p> <p>23 A. Yes. 11:16</p> <p>24 Q. Okay. If that is true, and for the 11:16</p> <p>25 purpose of this question only let's assume that 11:16</p>
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<p>1 Paradiso</p> <p>2 what Mr. Snyder is true, would you agree with 11:16</p> <p>3 me that it would have been a dereliction of his 11:16</p> <p>4 duty to not tell the chief of police that Ocean 11:16</p> <p>5 Beach visitors or residents could not get 11:16</p> <p>6 through to the Ocean Beach Police Department 11:16</p> <p>7 because other officers had taken away his cell 11:16</p> <p>8 phone? 11:16</p> <p>9 A. I should have been notified. 11:16</p> <p>10 MR. NOVIKOFF: Great. Let's stop 11:16</p> <p>11 and pick it up in about five or ten 11:16</p> <p>12 minutes. 11:16</p> <p>13 THE VIDEOGRAPHER: That is the end 11:16</p> <p>14 of tape number 1. The time is 11:17 a.m. 11:16</p> <p>15 We are now off the record. 11:16</p> <p>16 (Recess was taken from 11:17 to 11:17</p> <p>17 11:31.) 11:17</p> <p>18 THE VIDEOGRAPHER: This is the start 11:31</p> <p>19 of tape number 2. The time is now 11:31</p> <p>20 11:32 a.m. We are now back on the record. 11:31</p> <p>21 BY MR. NOVIKOFF: 11:31</p> <p>22 Q. Mr. Paradiso, let's just stay on 11:31</p> <p>23 paragraph 43 for, I think, one more question 11:31</p> <p>24 hopefully. 11:32</p> <p>25 Did you ever receive notification 11:32</p>	<p>1 Paradiso</p> <p>2 from any resident or any visitor that they 11:32</p> <p>3 unsuccessfully attempted to get ahold of the 11:32</p> <p>4 Ocean Beach Police Department while you were 11:32</p> <p>5 chief? 11:32</p> <p>6 A. Yes. 11:32</p> <p>7 Q. Do you recall specifically on how 11:32</p> <p>8 many occasions? 11:32</p> <p>9 A. I don't recall specifically, but 11:32</p> <p>10 when we first went over to the call forwarding 11:32</p> <p>11 to the cell phone, the service wasn't always 11:32</p> <p>12 constant, so sometimes the call wouldn't go to 11:32</p> <p>13 our phone, but nothing that had any kind of 11:32</p> <p>14 pattern or -- it was more of an issue during 11:32</p> <p>15 the off season when there was only one guy on, 11:33</p> <p>16 because he would spend the majority of the time 11:33</p> <p>17 out of the office on that phone, you know, with 11:33</p> <p>18 the calls forwarded to that phone, but after 11:33</p> <p>19 they installed the cell sites on the water 11:33</p> <p>20 tower, it eliminated a lot of those problems. 11:33</p> <p>21 Q. And when did they install the cell 11:33</p> <p>22 sites on the water towers? 11:33</p> <p>23 A. Oh, gosh, I don't exactly know when. 11:33</p> <p>24 Q. 1990s or in the 2000s? 11:33</p> <p>25 A. I think in the '90s. 11:33</p>

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<p>1 Paradiso</p> <p>2 Q. Okay. Now, let's -- you mentioned 11:33</p> <p>3 something in that last answer about off season 11:33</p> <p>4 when there is only one person on, and that's an 11:33</p> <p>5 area I wanted to get into, but since you 11:33</p> <p>6 brought it up, I will get into it now. 11:33</p> <p>7 If I understand correctly, there was 11:33</p> <p>8 the season, correct, that was that two weeks 11:33</p> <p>9 before Memorial Day and two weeks after Labor 11:33</p> <p>10 Day, approximately? 11:33</p> <p>11 A. Yeah, that's the -- that's the 11:33</p> <p>12 definition of the summer season, two weeks 11:33</p> <p>13 before Memorial Day, two weeks after Labor Day. 11:34</p> <p>14 Q. Okay. And for that season, Ocean 11:34</p> <p>15 Beach would hire seasonal police officers; 11:34</p> <p>16 correct? 11:34</p> <p>17 A. Right. 11:34</p> <p>18 Q. Between 2002 and 2005 seasons, 11:34</p> <p>19 approximately how many seasonal police officers 11:34</p> <p>20 were hired during the season, for each season? 11:34</p> <p>21 A. It fluctuated between maybe 20 and 11:34</p> <p>22 25. 11:34</p> <p>23 Q. Okay. Now we have the season. 11:34</p> <p>24 Would it be fair to say that everything other 11:34</p> <p>25 than the season was off season? 11:34</p>	<p>1 Paradiso</p> <p>2 A. Yes. 11:34</p> <p>3 Q. Okay. And that would be at some 11:34</p> <p>4 point in October through some point in time in 11:34</p> <p>5 early May; right? 11:34</p> <p>6 A. Well, the season would end -- the 11:34</p> <p>7 height of the season would end Labor Day 11:34</p> <p>8 weekend where we would cut the shifts down 11:34</p> <p>9 during the week and we would still have quite a 11:34</p> <p>10 contingent of men working on the weekends 11:34</p> <p>11 through Columbus Day and then after Columbus 11:34</p> <p>12 Day it would taper off again, because the ferry 11:35</p> <p>13 schedules would be severely restricted, and 11:35</p> <p>14 then the bars and the restaurants would close, 11:35</p> <p>15 so it got to the point by around the end of 11:35</p> <p>16 October, beginning of November there was 11:35</p> <p>17 usually only one restaurant, CJ's was the only 11:35</p> <p>18 place that stayed open on a year-round basis. 11:35</p> <p>19 Q. Okay. So now between Columbus Day 11:35</p> <p>20 and let's say April 1st, there would be two 11:35</p> <p>21 full-time police officers, you and Mr. Hesse; 11:35</p> <p>22 right? 11:35</p> <p>23 A. Right. 11:35</p> <p>24 Q. And you would have your own shifts? 11:35</p> <p>25 A. Yes. 11:35</p>
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<p>1 Paradiso</p> <p>2 Q. On average how many -- well, how 11:35</p> <p>3 would you go about -- withdrawn. 11:35</p> <p>4 Would you hire other officers in a 11:35</p> <p>5 part-time role during that time period? 11:35</p> <p>6 A. Yes. 11:35</p> <p>7 Q. How many shifts per day would you 11:35</p> <p>8 need an officer for during that time period? 11:36</p> <p>9 A. Day shifts there would usually be 11:36</p> <p>10 one officer on. It was usually me or George 11:36</p> <p>11 during the day and then we would have a guy 11:36</p> <p>12 working 4 to 12 and a guy working midnight 11:36</p> <p>13 to 8. 11:36</p> <p>14 Q. Okay. So during the period of time 11:36</p> <p>15 that we are talking about from Columbus Day 11:36</p> <p>16 through middle of April, you would have on 11:36</p> <p>17 average only one officer per 4 to 12 shift and 11:36</p> <p>18 one officer per midnight to 8 shift? 11:36</p> <p>19 A. Normally, yeah. In October on the 11:36</p> <p>20 weekends if there was still some restaurants 11:36</p> <p>21 open, we might have a couple of guys intermixed 11:36</p> <p>22 in between the evening and overnight just for 11:36</p> <p>23 extra coverage, but by November 1st it was one 11:36</p> <p>24 person on per shift. 11:37</p> <p>25 Q. And these officers were part-time? 11:37</p>	<p>1 Paradiso</p> <p>2 A. Yes. 11:37</p> <p>3 Q. And who decided what part-time 11:37</p> <p>4 officers would work during this off-season 11:37</p> <p>5 period of time that we are talking about? 11:37</p> <p>6 A. I made the schedule. 11:37</p> <p>7 Q. And for the on-season, who made the 11:37</p> <p>8 schedule? 11:37</p> <p>9 A. I did. 11:37</p> <p>10 Q. Now, on the day shifts during the 11:37</p> <p>11 season on average, again, 2002 through the 2005 11:37</p> <p>12 seasons, how many seasonal officers, excluding 11:37</p> <p>13 you and Mr. Hesse who weren't seasonal, for the 11:37</p> <p>14 day shift that you were on, generally, how many 11:37</p> <p>15 other seasonal officers were on that shift? 11:37</p> <p>16 A. We usually have a dispatcher, if we 11:37</p> <p>17 could get one, and Monday through Friday we 11:37</p> <p>18 would have one to two additional officers on 11:37</p> <p>19 for an 8 to 4. On the weekends we would have 11:37</p> <p>20 four or five on during the day, so we could 11:38</p> <p>21 cover the beach also. 11:38</p> <p>22 Q. Okay. And when you say "cover the 11:38</p> <p>23 beach," how long was the beach? Withdrawn. 11:38</p> <p>24 Describe the length of the beach 11:38</p> <p>25 from one end to the other. Not the depth. The 11:38</p>

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<p>1 Paradiso</p> <p>2 off physically on a police officer between 2002 11:42</p> <p>3 and 2005? 11:42</p> <p>4 A. I couldn't give you the exact number 11:42</p> <p>5 or an estimate, but it -- the potential for it 11:42</p> <p>6 happening was always there. 11:42</p> <p>7 Q. Okay. Now, Mr. Hesse, he worked 11:42</p> <p>8 what shift again, generally? 11:42</p> <p>9 A. Normally Sergeant Hesse would 11:42</p> <p>10 work -- let's see. His days off were usually 11:42</p> <p>11 Wednesdays and Thursdays, so he would normally 11:42</p> <p>12 work a 9 to 5 on Friday, a 9 to 5 on Saturday, 11:42</p> <p>13 a 4 to 12 on Sunday, and either a day shift or 11:43</p> <p>14 a 4 to 12 on Monday and Tuesday. 11:43</p> <p>15 Q. Okay. And let's talk about the 11:43</p> <p>16 midnight to 8 a.m. time period. How many 11:43</p> <p>17 officers in that time period, 2002 to 2005, did 11:43</p> <p>18 you normally schedule? 11:43</p> <p>19 A. There would usually be two to three 11:43</p> <p>20 guys or maybe four that would come on at 11:43</p> <p>21 midnight, so you had carry-overs from the 4 to 11:43</p> <p>22 12 shifts that -- the guys came on at 9 at 11:43</p> <p>23 night, they worked until 5:00 in the morning, 11:43</p> <p>24 if they came on at 6:00, they worked until 2, 11:43</p> <p>25 and then depending on how busy the Village was, 11:43</p>	<p>1 Paradiso</p> <p>2 the opportunity to work -- to be held over and 11:43</p> <p>3 work extra was -- I left in George's purview as 11:43</p> <p>4 he saw fit. If he wanted guys to stay longer, 11:43</p> <p>5 he could have them stay longer. 11:44</p> <p>6 Q. I am just trying to get the numbers 11:44</p> <p>7 down. From midnight to 8 in the morning during 11:44</p> <p>8 the summer season, the Village had anywhere 11:44</p> <p>9 from four to six police officers, seasonal 11:44</p> <p>10 police officers, on duty? 11:44</p> <p>11 A. On the weekend until 5:00 you had -- 11:44</p> <p>12 you probably had six or seven until 5:00 in the 11:44</p> <p>13 morning, and then from 5:00 in the morning 11:44</p> <p>14 until 8:00 in the morning, four or three. 11:44</p> <p>15 Q. Now, if you weren't there and 11:44</p> <p>16 Mr. Hesse -- well, were there times that you 11:44</p> <p>17 and Mr. Hesse were not in the Village during 11:44</p> <p>18 the season? 11:44</p> <p>19 A. I stayed in the Village overnight on 11:44</p> <p>20 the weekends, Friday and Saturday, and then I 11:44</p> <p>21 would go home -- I would go off the beach 11:44</p> <p>22 Sunday afternoon when my shift ended. 11:44</p> <p>23 Q. Okay. So now during the season, was 11:44</p> <p>24 there ever a point that both you and Mr. Hesse 11:44</p> <p>25 were not present in the Village? 11:45</p>
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<p>1 Paradiso</p> <p>2 A. There would be times that we 11:45</p> <p>3 weren't, we both weren't there, yes. 11:45</p> <p>4 Q. How often would that take place? 11:45</p> <p>5 A. On George's days off, Wednesday and 11:45</p> <p>6 Thursday, depending on how things were going or 11:45</p> <p>7 whether or not I would stay over on Thursday, 11:45</p> <p>8 sometimes Wednesdays, Tuesdays, once we went 11:45</p> <p>9 off duty the guys were on their -- you know, 11:45</p> <p>10 were on their own. If they needed us, we were 11:45</p> <p>11 always available on the radio, the phones. We 11:45</p> <p>12 had Nextels, so they were a direct connect type 11:45</p> <p>13 of a radio. 11:45</p> <p>14 Q. So if they needed to get you and you 11:45</p> <p>15 happened -- or Mr. Hesse happened to have been 11:45</p> <p>16 off the beach, on Fire Island or on the 11:45</p> <p>17 mainland, they could have reached you? 11:45</p> <p>18 A. Yeah, we were a key click away. 11:45</p> <p>19 Q. Okay, a key click away. 11:45</p> <p>20 And in those instances where either 11:45</p> <p>21 you or Mr. Hesse were not on duty supervising 11:45</p> <p>22 the officers, who was in charge? 11:46</p> <p>23 A. Well, we never really actually put 11:46</p> <p>24 an officer in charge in our absence. There 11:46</p> <p>25 wasn't a command structure set up like that, 11:46</p>	<p>1 Paradiso</p> <p>2 but it was usually the guy that had the most 11:46</p> <p>3 time on would be the one I would look for 11:46</p> <p>4 answers if something took place. 11:46</p> <p>5 Q. When you say "most time on," what do 11:46</p> <p>6 you mean? 11:46</p> <p>7 A. Working for the Village. 11:46</p> <p>8 Q. Okay. So even, for example, if 11:46</p> <p>9 Mr. Bosetti had twenty years of experience, if 11:46</p> <p>10 Mr. Carter had twelve years of seasonal 11:46</p> <p>11 experience for the Village, it would be your 11:46</p> <p>12 belief that Mr. Carter would be the person in 11:46</p> <p>13 charge? 11:46</p> <p>14 A. He would be the one I would ask what 11:46</p> <p>15 happened. 11:46</p> <p>16 Q. And how -- when you and Mr. Hesse 11:46</p> <p>17 were not, quote unquote, on duty, how would the 11:46</p> <p>18 seasonal officers know what posts to go to? 11:47</p> <p>19 A. They would follow the similar 11:47</p> <p>20 patrols that we would normally do. The guys 11:47</p> <p>21 were there. They know where they would have to 11:47</p> <p>22 go. These weren't times when there was a lot 11:47</p> <p>23 of people there or it was busy, so they would 11:47</p> <p>24 patrol the main streets, they would patrol the 11:47</p> <p>25 back streets, they would check the businesses 11:47</p>

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<p>1 Paradiso</p> <p>2 at night. For instance, when Tom would be 11:47</p> <p>3 working midnights, he would be checking doors. 11:47</p> <p>4 On several occasions he would find that the 11:47</p> <p>5 Village court didn't get locked up that day or 11:47</p> <p>6 they would find an open door at one of the 11:47</p> <p>7 Village properties and he would make a report 11:47</p> <p>8 about that. Same for all the officers in the 11:47</p> <p>9 evening. They would -- if there was no one 11:47</p> <p>10 else around, then they would do just normal 11:47</p> <p>11 patrols and checks of Village properties, 11:48</p> <p>12 periodic checks through the residential 11:48</p> <p>13 districts just to maintain a presence. 11:48</p> <p>14 Q. What do you mean, make a report? 11:48</p> <p>15 You just said Mr. Snyder would make a report if 11:48</p> <p>16 he checked on the justice courthouse door and 11:48</p> <p>17 it was unlocked. 11:48</p> <p>18 A. There would be a blotter entry and a 11:48</p> <p>19 field report generated. 11:48</p> <p>20 Q. Okay. And what's a field report? 11:48</p> <p>21 A. Field report is done on the computer 11:48</p> <p>22 in the main desk in the front office of the 11:48</p> <p>23 police station. It's a numbered report that 11:48</p> <p>24 would be filled out by the officer of the 11:48</p> <p>25 incident that took place, the time it began, 11:48</p>	<p>1 Paradiso</p> <p>2 the time it finished, the date, if it was a 11:48</p> <p>3 called-in complaint, who the complainant on the 11:48</p> <p>4 call was, if it was a patrol pick-up, it would 11:48</p> <p>5 be noted as patrol pick-up of an open door at 11:48</p> <p>6 123 Bay Walk, "officer checked, no sign of 11:48</p> <p>7 forced entry." 11:48</p> <p>8 Q. And do you review the field reports? 11:48</p> <p>9 A. Yes. 11:48</p> <p>10 Q. So let's go back to Mr. Nofi's 10-1. 11:48</p> <p>11 Would you agree with me that given 11:48</p> <p>12 what you have just described as the field 11:49</p> <p>13 report and why a field report is generated, 11:49</p> <p>14 that if Mr. Nofi felt he had to call a 10-1, 11:49</p> <p>15 that that incident would have required Mr. Nofi 11:49</p> <p>16 to put in -- to draft a field report? 11:49</p> <p>17 A. There would have been a report of 11:49</p> <p>18 the incident and inside that field report there 11:49</p> <p>19 would have been mention to the call and who 11:49</p> <p>20 responded. It also would list the officers 11:49</p> <p>21 that responded to the call. 11:49</p> <p>22 Q. Did you ever see a field report from 11:49</p> <p>23 Mr. Nofi concerning his issuing a 10-1 call and 11:49</p> <p>24 getting no response? 11:49</p> <p>25 A. I never -- I don't recall ever 11:49</p>
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<p>1 Paradiso</p> <p>2 seeing a report like that. 11:49</p> <p>3 Q. And certainly you would agree with 11:49</p> <p>4 me that that type of a report would be a 11:49</p> <p>5 very -- would be addressing a very important 11:49</p> <p>6 issue? 11:49</p> <p>7 A. Yes. 11:49</p> <p>8 Q. Something that you would have 11:49</p> <p>9 remembered? 11:49</p> <p>10 A. There would have been more to it 11:49</p> <p>11 than just a 10-1 call. There would have been 11:49</p> <p>12 the report that brought him to that call and 11:49</p> <p>13 then the subsequent report of the 10-1 or the 11:49</p> <p>14 incidents that followed after that. 11:50</p> <p>15 Q. So it's something that would have -- 11:50</p> <p>16 you would remember? 11:50</p> <p>17 A. I'd hope. I have issues with my 11:50</p> <p>18 memory, but I would hope I would remember that. 11:50</p> <p>19 Q. Right. Now, let's go to paragraph 11:50</p> <p>20 44 and 45. So just read it and then tell me 11:50</p> <p>21 when you are done. 11:50</p> <p>22 (Document review.) 11:50</p> <p>23 A. All right. 11:51</p> <p>24 Q. Do you have any knowledge as to the 11:51</p> <p>25 incident that Mr. Fiorillo is alleging took 11:51</p>	<p>1 Paradiso</p> <p>2 place in June of 2002 in terms of a 11:51</p> <p>3 highly-intoxicated off-duty police officer 11:51</p> <p>4 having to be restrained by Mr. Fiorillo? 11:51</p> <p>5 A. No. 11:51</p> <p>6 Q. Let's look at paragraph 45. Now, if 11:51</p> <p>7 I understand paragraph 45 correctly, and tell 11:52</p> <p>8 me if you have the same understanding, at some 11:52</p> <p>9 point in time after Mr. Fiorillo restrained 11:52</p> <p>10 this intoxicated off-duty police officer, 11:52</p> <p>11 Mr. Hesse ridiculed, berated and condemned him, 11:52</p> <p>12 Mr. Fiorillo, in the presence of Lamm, Nofi and 11:52</p> <p>13 other assembled officers." Do you see that? 11:52</p> <p>14 A. Yes. 11:52</p> <p>15 Q. Do you have that same understanding 11:52</p> <p>16 as me, at least that that's what 11:52</p> <p>17 Mr. Fiorillo -- 11:52</p> <p>18 A. That's what it says here, yes. 11:52</p> <p>19 Q. Right. Did you ever learn from any 11:52</p> <p>20 of these assembled officers or from Lamm or 11:52</p> <p>21 Nofi or Fiorillo that Hesse ever berated, 11:52</p> <p>22 ridiculed or condemned him for interceding in 11:52</p> <p>23 an altercation involving a drunken off-duty 11:52</p> <p>24 police officer? 11:52</p> <p>25 A. No. 11:52</p>

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<p>1 Paradiso</p> <p>2 Q. Did Mr. Fiorillo or any of the 11:52</p> <p>3 plaintiffs identified in paragraph 45 ever 11:53</p> <p>4 advise you that Hesse told them that his 11:53</p> <p>5 friends should be afforded the freedom to 11:53</p> <p>6 violate the law with impunity? 11:53</p> <p>7 A. No. 11:53</p> <p>8 Q. Is that something that you would 11:53</p> <p>9 have expected Mr. Fiorillo to have advised you 11:53</p> <p>10 of if, in fact, it took place? 11:53</p> <p>11 A. Yes. 11:53</p> <p>12 Q. Same question with regard to Lamm 11:53</p> <p>13 and Nofi, if they were aware of this 11:53</p> <p>14 instruction. 11:53</p> <p>15 A. I'd expect it from anybody that was 11:53</p> <p>16 there. 11:53</p> <p>17 Q. Let's look at paragraph 46, and I 11:53</p> <p>18 will ask you to read it and then tell me when 11:53</p> <p>19 you are done. 11:53</p> <p>20 (Document review.) 11:53</p> <p>21 A. Okay. 11:54</p> <p>22 Q. Now, let's assume for the purpose of 11:54</p> <p>23 my question that Mr. Fiorillo is telling the 11:54</p> <p>24 truth and that there was an occasion when 11:54</p> <p>25 Mr. Hesse while in uniform and on duty demanded 11:54</p>	<p>1 Paradiso</p> <p>2 that Mr. Fiorillo transport him to a party at a 11:54</p> <p>3 private resident in Ocean Beach. 11:54</p> <p>4 Based upon your testimony, would you 11:54</p> <p>5 agree with me that if he took an automobile to 11:54</p> <p>6 transport Mr. Hesse, it would have taken 11:54</p> <p>7 Mr. Fiorillo no less than four minutes to take 11:55</p> <p>8 Mr. Hesse to any private residence in Ocean 11:55</p> <p>9 Beach? 11:55</p> <p>10 A. That could be -- that's accurate. 11:55</p> <p>11 Q. Okay. Would you agree with the 11:55</p> <p>12 statement, and let's assume now it's true, that 11:55</p> <p>13 what Mr. Fiorillo is alleging is true, would 11:55</p> <p>14 you agree with a statement that Mr. Fiorillo's 11:55</p> <p>15 transporting Mr. Hesse to a private resident in 11:55</p> <p>16 Ocean Beach taking no more than four minutes 11:55</p> <p>17 would have left the Village understaffed and 11:55</p> <p>18 underpatrolled? 11:55</p> <p>19 A. It's hard to answer, because I don't 11:55</p> <p>20 know how many officers were on at the time that 11:55</p> <p>21 this would have taken place. 11:55</p> <p>22 Q. Okay. Well, it's in June of 2002. 11:55</p> <p>23 Let's assume it took place during the normal 11:55</p> <p>24 shift that Mr. Fiorillo and Mr. Hesse had in 11:55</p> <p>25 that time period and the normal number of 11:55</p>
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<p>1 Paradiso</p> <p>2 officers were assigned by you. Let's say it 11:56</p> <p>3 was during the weekend. 11:56</p> <p>4 Would the Village have been 11:56</p> <p>5 understaffed and underpatrolled for those four 11:56</p> <p>6 minutes? 11:56</p> <p>7 MR. GOODSTADT: Objection. 11:56</p> <p>8 A. If I had the amount of people that I 11:56</p> <p>9 normally would have on on a weekend, no, it 11:56</p> <p>10 wouldn't. 11:56</p> <p>11 Q. And, in fact, officers are allowed 11:56</p> <p>12 to go to the bathroom during their shifts; 11:56</p> <p>13 right? 11:56</p> <p>14 A. Yes. 11:56</p> <p>15 Q. There is no time limit on how long 11:56</p> <p>16 they can take in the bathroom; right? 11:56</p> <p>17 A. No. 11:56</p> <p>18 Q. Without getting graphic, it could 11:56</p> <p>19 take someone five to ten minutes to do what 11:56</p> <p>20 they need to do in the bathroom; correct? 11:56</p> <p>21 A. Correct. 11:56</p> <p>22 Q. Would you consider the Village to be 11:56</p> <p>23 understaffed and underpatrolled at any point in 11:56</p> <p>24 time during the season if an officer took ten 11:56</p> <p>25 minutes to go to the bathroom? 11:56</p>	<p>1 Paradiso</p> <p>2 A. In normal circumstances, no. 11:56</p> <p>3 Q. Did Mr. Fiorillo ever complain to 11:57</p> <p>4 you that Mr. Hesse was causing the Village to 11:57</p> <p>5 be understaffed and underpatrolled at any point 11:57</p> <p>6 in time? 11:57</p> <p>7 A. I don't recall him ever saying that. 11:57</p> <p>8 Q. Did the plaintiffs ever advise you 11:57</p> <p>9 that in their opinion, any one of them, that 11:57</p> <p>10 what Mr. Hesse was doing or directing them to 11:57</p> <p>11 do ever put the Village in a position where it 11:57</p> <p>12 was underpatrolled or understaffed? 11:57</p> <p>13 A. I don't believe so. 11:57</p> <p>14 Q. And you would agree with me that 11:57</p> <p>15 that would be something that would be very 11:57</p> <p>16 important if it took place? 11:57</p> <p>17 A. Yes. 11:57</p> <p>18 Q. And that's something that you would 11:57</p> <p>19 normally remember? 11:57</p> <p>20 A. Hopefully, yes. 11:57</p> <p>21 Q. And -- withdrawn. 11:57</p> <p>22 Would you expect Mr. Fiorillo, for 11:58</p> <p>23 example, to have reported to you any incident 11:58</p> <p>24 where he believed that Mr. Hesse was putting 11:58</p> <p>25 the public safety at risk on Ocean Beach? 11:58</p>

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<p>1 Paradiso</p> <p>2 think I caught him myself coming down from one 12:03</p> <p>3 of the residents above the Sun & Moon. 12:03</p> <p>4 Q. Okay. Now, to your knowledge, did 12:03</p> <p>5 Mr. Hesse ever do anything to impede any type 12:03</p> <p>6 of investigation into a person of interest as 12:03</p> <p>7 you have described it? 12:03</p> <p>8 A. No. 12:03</p> <p>9 Q. Now, did Mr. Fiorillo ever advise 12:03</p> <p>10 you at any point in time prior to end of 12:03</p> <p>11 September 2005 that Mr. Hesse told him that a 12:03</p> <p>12 drug dealer within the village was a close 12:03</p> <p>13 personal friend of his and that Mr. Fiorillo 12:03</p> <p>14 was forbidden to interfere with the drug 12:03</p> <p>15 dealing activity of that person? 12:03</p> <p>16 A. No. 12:03</p> <p>17 Q. Now, would you agree with me that as 12:03</p> <p>18 police chief that's something you would expect 12:03</p> <p>19 a police officer to advise you of? 12:04</p> <p>20 A. Yes. 12:04</p> <p>21 Q. Would you agree with me that if for 12:04</p> <p>22 some reason that police officer thought that 12:04</p> <p>23 you as the police chief would do nothing about 12:04</p> <p>24 it, that the officer should then go to the 12:04</p> <p>25 district attorney? 12:04</p>	<p>1 Paradiso</p> <p>2 A. The officer would never have a 12:04</p> <p>3 reason to think that I would do nothing about 12:04</p> <p>4 it. 12:04</p> <p>5 Q. Why is that? 12:04</p> <p>6 A. Because I would not have done 12:04</p> <p>7 nothing about it. 12:04</p> <p>8 Q. Were there any occasions -- well -- 12:04</p> <p>9 okay. 12:04</p> <p>10 So it would be fair to say that you 12:04</p> <p>11 never investigated Mr. Hesse concerning any 12:04</p> <p>12 accusation that he was interfering with the 12:04</p> <p>13 police surveillance or arrest of any drug 12:04</p> <p>14 dealer on Ocean Beach? 12:04</p> <p>15 A. No. 12:04</p> <p>16 Q. Did Mr. Fiorillo ever advise you 12:04</p> <p>17 that Mr. Hesse required him to chauffeur 12:05</p> <p>18 Mr. Hesse to any place either inside or outside 12:05</p> <p>19 of Ocean Beach to have sex with a particular 12:05</p> <p>20 individual? 12:05</p> <p>21 A. No. 12:05</p> <p>22 Q. How about any of the other 12:05</p> <p>23 plaintiffs? 12:05</p> <p>24 A. No. 12:05</p> <p>25 Q. Did you ever even hear the rumor 12:05</p>
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<p>1 Paradiso</p> <p>2 that Mr. Hesse was being chauffeured by police 12:05</p> <p>3 officers both in and outside of Ocean Beach to 12:05</p> <p>4 have sex while on duty? 12:05</p> <p>5 A. No. 12:05</p> <p>6 Q. Let's look at number 50. Please 12:05</p> <p>7 read number 50 and then tell me when you are 12:06</p> <p>8 done. 12:06</p> <p>9 (Document review.) 12:06</p> <p>10 A. Okay. 12:06</p> <p>11 Q. Now, 51, Mr. -- the plaintiffs are 12:06</p> <p>12 alleging certain conduct on the part of 12:06</p> <p>13 Mr. Hesse concerning directions not to issue 12:06</p> <p>14 summonses to certain bars. Do you see that? 12:06</p> <p>15 A. Yes. 12:06</p> <p>16 Q. You would agree with me that such 12:06</p> <p>17 conduct would be in violation of Mr. Hesse's -- 12:06</p> <p>18 if true, would have been in violation of 12:06</p> <p>19 Mr. Hesse's duties as a sergeant for the Ocean 12:06</p> <p>20 Beach Police Department? 12:06</p> <p>21 A. Yes. 12:07</p> <p>22 Q. And, in fact, would you agree with 12:07</p> <p>23 me that if true, this allegation could subject 12:07</p> <p>24 Mr. Hesse to criminal action? 12:07</p> <p>25 A. Yes. 12:07</p>	<p>1 Paradiso</p> <p>2 Q. Now, is that something that in your 12:07</p> <p>3 experience as a police chief that a police 12:07</p> <p>4 officer who either was directed by Mr. Hesse 12:07</p> <p>5 not to issue certain summonses or learned that 12:07</p> <p>6 Mr. Hesse had directed another officer not to 12:07</p> <p>7 issue summonses should have advised you of as 12:07</p> <p>8 the police chief? 12:07</p> <p>9 A. Yes. 12:07</p> <p>10 Q. Now my question is, sir, at any 12:07</p> <p>11 point in time did any of the plaintiffs ever 12:07</p> <p>12 advise you that they were instructed by 12:07</p> <p>13 Mr. Hesse not to issue summonses to any bar on 12:07</p> <p>14 Ocean Beach? 12:07</p> <p>15 A. No. 12:07</p> <p>16 Q. Did you ever hear the rumor from any 12:07</p> <p>17 source that such activity was taking place with 12:07</p> <p>18 regard to Mr. Hesse's directions about issuing 12:07</p> <p>19 summonses to bars? 12:07</p> <p>20 A. No. 12:07</p> <p>21 Q. Did you ever hear a rumor from any 12:07</p> <p>22 source that Mr. Hesse was giving any police 12:08</p> <p>23 officer any direction not to issue summonses to 12:08</p> <p>24 any of his friends? 12:08</p> <p>25 A. No. 12:08</p>

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<p>1 Paradiso</p> <p>2 Q. Is that something that you would 12:08</p> <p>3 have expected a police officer, if he or she 12:08</p> <p>4 had learned of such a direction, to advise you 12:08</p> <p>5 of immediately? 12:08</p> <p>6 A. Yes. 12:08</p> <p>7 Q. Let's look at paragraph 52. Please 12:08</p> <p>8 read 52 and 53 and then tell me when you are 12:08</p> <p>9 done. 12:08</p> <p>10 (Document review.) 12:08</p> <p>11 A. Okay. 12:09</p> <p>12 Q. Now, 52 and 53 are plaintiffs' 12:09</p> <p>13 allegations -- 12:09</p> <p>14 A. I didn't read 53. 12:09</p> <p>15 Q. Okay. When you are done with 53, 12:09</p> <p>16 tell me. 12:09</p> <p>17 (Document review.) 12:09</p> <p>18 A. Okay. 12:09</p> <p>19 Q. Now, 52 and 53, and if you don't 12:09</p> <p>20 agree with me, tell me, involve an alleged 12:09</p> <p>21 incident concerning Officer Snyder and Lamm in 12:09</p> <p>22 May of 2004 witnessing a down-pouring of beer 12:09</p> <p>23 at their feet from a laughing crowd on a 12:09</p> <p>24 third-floor balcony of a residence in Ocean 12:09</p> <p>25 Beach. Would you agree with me that's the 12:09</p>	<p>1 Paradiso</p> <p>2 incident that they are addressing in these two 12:09</p> <p>3 paragraphs? 12:09</p> <p>4 A. Yes. 12:09</p> <p>5 Q. Okay. Now, they are alleging that 12:09</p> <p>6 "Hesse directed Lamm and Snyder not to issue 12:09</p> <p>7 any citations to these intoxicated minors or 12:09</p> <p>8 make any arrests despite the fact that the 12:10</p> <p>9 youths were breaking the law." Do you see 12:10</p> <p>10 that? 12:10</p> <p>11 A. Yes. 12:10</p> <p>12 Q. Is the conduct that they are 12:10</p> <p>13 attributing to Mr. Hesse, in your opinion, 12:10</p> <p>14 would it subject Mr. Hesse to some type of 12:10</p> <p>15 criminal action if true? 12:10</p> <p>16 A. I believe so. 12:10</p> <p>17 Q. Is that the type of information that 12:10</p> <p>18 you would expect Frank Fiorillo or any of the 12:10</p> <p>19 other plaintiffs to advise you of? 12:10</p> <p>20 A. Yes. 12:10</p> <p>21 Q. At any point in time prior to 12:10</p> <p>22 September 2005 did Mr. Fiorillo or any of the 12:10</p> <p>23 other plaintiffs ever advise you of the 12:10</p> <p>24 incident that is being discussed in paragraph 12:10</p> <p>25 53 and 54? 12:10</p>
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<p>1 Paradiso</p> <p>2 A. No. And I don't believe there are 12:10</p> <p>3 any third-floor balconies. There is 12:10</p> <p>4 second-floor balconies, but there are no 12:10</p> <p>5 third-story -- 12:11</p> <p>6 Q. On Bay and Ocean? 12:11</p> <p>7 A. On Bay and Ocean. 12:11</p> <p>8 Q. Did you ever hear a rumor from any 12:11</p> <p>9 source at any time before end of September 2005 12:11</p> <p>10 that Lamm and Snyder witnessed intoxicated 12:11</p> <p>11 minors pouring beer from a balcony in Ocean 12:11</p> <p>12 Beach and that Hesse had directed them not to 12:11</p> <p>13 issue any summonses or to make any arrests? 12:11</p> <p>14 A. No. 12:11</p> <p>15 Q. Is that something that you would 12:11</p> <p>16 think given the size of the Village and your 12:11</p> <p>17 position at the Village that you would have 12:11</p> <p>18 heard about? 12:11</p> <p>19 A. Yes. 12:11</p> <p>20 Q. Paragraph 54, read it and tell me 12:11</p> <p>21 when you are done reading it. 12:11</p> <p>22 (Document review.) 12:11</p> <p>23 A. Okay. 12:12</p> <p>24 Q. If the allegation in 54 is true, 12:12</p> <p>25 would that, in your opinion, subject Mr. Hesse 12:12</p>	<p>1 Paradiso</p> <p>2 to some type of criminal sanction or criminal 12:12</p> <p>3 violation? 12:12</p> <p>4 A. Yes. 12:12</p> <p>5 Q. Did any of the plaintiffs ever 12:12</p> <p>6 advise you that Hesse prohibited the plaintiffs 12:12</p> <p>7 from investigating the alleged crimes as set 12:12</p> <p>8 forth in paragraph 54? 12:12</p> <p>9 A. No. 12:12</p> <p>10 Q. Did you ever hear any rumors of such 12:12</p> <p>11 conduct as alleged in 54? 12:12</p> <p>12 A. No. 12:12</p> <p>13 Q. Now, let's look at the last 12:13</p> <p>14 paragraph. "Plaintiffs even observed certain 12:13</p> <p>15 of the uncertified officers on the apartment 12:13</p> <p>16 balcony drinking and socializing with the same 12:13</p> <p>17 group of minors." Do you see that? 12:13</p> <p>18 A. Yes. 12:13</p> <p>19 Q. Would it have been appropriate for 12:13</p> <p>20 any police officer, even if off duty, to drink 12:13</p> <p>21 alcohol with a minor? 12:13</p> <p>22 A. No. 12:13</p> <p>23 Q. And is that something that you would 12:13</p> <p>24 have expected any of the plaintiffs to advise 12:13</p> <p>25 you of if they witnessed it? 12:13</p>

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<p>1 Paradiso</p> <p>2 Q. Did you ever hear a rumor from any 12:19</p> <p>3 source concerning the incident alleged in 58 12:19</p> <p>4 and 59? 12:20</p> <p>5 A. No. 12:20</p> <p>6 Q. Paragraph 60 refers to the incident 12:20</p> <p>7 involving the Bosettis throwing a file cabinet 12:20</p> <p>8 into the ocean. Just read that and when you 12:20</p> <p>9 are done, tell me when you are done. 12:20</p> <p>10 (Document review.) 12:20</p> <p>11 A. Okay. 12:21</p> <p>12 Q. Did Mr. Fiorillo ever advise you 12:21</p> <p>13 that the Bosettis said that they had been too 12:21</p> <p>14 drunk to control themselves and that's why they 12:21</p> <p>15 threw the file cabinet into the bay? 12:21</p> <p>16 A. I don't recall that happening, no. 12:21</p> <p>17 Q. Did Mr. Fiorillo ever inquire with 12:21</p> <p>18 you as to what discipline, if any, you meted 12:21</p> <p>19 out to the Bosettis for throwing the file 12:21</p> <p>20 cabinet into the bay? 12:22</p> <p>21 A. It wouldn't have been up to him to 12:22</p> <p>22 ask what discipline was taken. 12:22</p> <p>23 Q. I understand that. Did he ever 12:22</p> <p>24 inquire with you? 12:22</p> <p>25 A. I don't believe so. 12:22</p>	<p>1 Paradiso</p> <p>2 Q. Did Mr. Fiorillo ever advise you 12:22</p> <p>3 that the Bosettis had asked him to assist them 12:22</p> <p>4 in retrieving the file cabinet from the bay? 12:22</p> <p>5 A. No. 12:22</p> <p>6 Q. The answer is no? 12:22</p> <p>7 A. No. 12:22</p> <p>8 Q. Let's look at 61. In 61 -- 12:22</p> <p>9 actually, read it and then tell me when you are 12:22</p> <p>10 done. 12:22</p> <p>11 (Document review.) 12:22</p> <p>12 A. Okay. 12:22</p> <p>13 Q. Now, in 61 Mr. Fiorillo alleges that 12:22</p> <p>14 Hesse ordered him to spend three consecutive 12:23</p> <p>15 shifts standing motionless beneath a 12:23</p> <p>16 streetlight at the intersection of Dehnhoff 12:23</p> <p>17 Walk and Bay Walk. Do you see that? 12:23</p> <p>18 A. Yes. 12:23</p> <p>19 Q. Was the intersection of Dehnhoff 12:23</p> <p>20 Walk and Bay Walk a place that seasonal police 12:23</p> <p>21 officers were normally stationed? 12:23</p> <p>22 A. Yes. 12:23</p> <p>23 Q. And why is that? 12:23</p> <p>24 A. It's a busy area. There is -- you 12:23</p> <p>25 have a view of Bay Walk from Ocean Breeze to 12:23</p>
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<p>1 Paradiso</p> <p>2 Dehnhoff in one direction. You can see two to 12:23</p> <p>3 three bars in any direction from that point. 12:23</p> <p>4 Q. Would it be out of the ordinary -- 12:23</p> <p>5 withdrawn. 12:23</p> <p>6 Put aside how Mr. Fiorillo was told 12:23</p> <p>7 to stand and what he was prohibited from doing, 12:23</p> <p>8 putting aside that for the sake of this 12:23</p> <p>9 question, would it have been out of the 12:23</p> <p>10 ordinary for a seasonal police officer to spend 12:23</p> <p>11 three consecutive shifts at that intersection? 12:23</p> <p>12 A. Three entire consecutive shifts, 12:23</p> <p>13 yes, it would be out of the ordinary. 12:24</p> <p>14 Q. Why would that be? 12:24</p> <p>15 A. Because they rotate through. You 12:24</p> <p>16 know, guys would be in town, then they would be 12:24</p> <p>17 rotated to the back end of town. If something 12:24</p> <p>18 would happen to divert their attention, they 12:24</p> <p>19 would go toward the incident that would take 12:24</p> <p>20 place, so it would be very difficult to say 12:24</p> <p>21 stay in one spot, don't move for no reason. 12:24</p> <p>22 Q. Well, no, let's put aside for the 12:24</p> <p>23 sake of the question how he was told to stand 12:24</p> <p>24 and what he was prohibited from doing. Let's 12:24</p> <p>25 just say there is -- for example, there is 12:24</p>	<p>1 Paradiso</p> <p>2 station A, B, C, D and E in Ocean Beach. 12:24</p> <p>3 Would it be out of the ordinary, for 12:24</p> <p>4 example, for a seasonal police officer to be 12:24</p> <p>5 assigned on three consecutive shifts place C? 12:24</p> <p>6 A. It wouldn't be something that would 12:24</p> <p>7 be out of -- I don't know, yeah, it kind of 12:25</p> <p>8 would be, because you would shift people on and 12:25</p> <p>9 off. There is no reason for one person to be 12:25</p> <p>10 in the same spot for three days in a row. 12:25</p> <p>11 Q. Okay. That's fine. Now, would you 12:25</p> <p>12 agree with me that even if on one occasion 12:25</p> <p>13 Mr. Hesse, for whatever reason, told 12:25</p> <p>14 Mr. Fiorillo that his assigned duty was the 12:25</p> <p>15 intersection as referenced in 61, it would be 12:25</p> <p>16 completely out of the ordinary and 12:25</p> <p>17 inappropriate to advise Mr. Fiorillo to stand 12:25</p> <p>18 motionless; right? 12:25</p> <p>19 A. Yes. 12:25</p> <p>20 Q. And, in fact, if true, and if 12:25</p> <p>21 Mr. Fiorillo did stand motionless and was not 12:25</p> <p>22 permitted to leave that station, there would be 12:25</p> <p>23 a risk that he would not be able to respond to 12:26</p> <p>24 a call where a police assistance was needed; 12:26</p> <p>25 correct? 12:26</p>

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<p>1 Paradiso</p> <p>2 Q. Is it fair to say that you wouldn't 12:31</p> <p>3 have written a letter without Mr. Nofi asking 12:31</p> <p>4 you to? 12:31</p> <p>5 A. It's fair to say, yes. 12:31</p> <p>6 MR. NOVIKOFF: Okay. We are done 12:31</p> <p>7 with that. 12:31</p> <p>8 Let's mark the next one as 12:31</p> <p>9 Exhibit 20. 12:31</p> <p>10 (Paradiso Exhibit 20, letter dated 12:31</p> <p>11 December 15, 2000, marked for 12:31</p> <p>12 identification.) 12:32</p> <p>13 Q. Now, for the record, while 12:32</p> <p>14 Mr. Paradiso is reading Exhibit 20, it is a 12:32</p> <p>15 one-page document. It's not Bates stamped, but 12:32</p> <p>16 I believe it's been produced, purporting to be 12:32</p> <p>17 on Ocean Beach Police Department letterhead 12:32</p> <p>18 from Mr. Paradiso to a Mr. Giancanti, 12:32</p> <p>19 G-I-A-N-C-A-N-T-I. 12:32</p> <p>20 A. Okay. 12:32</p> <p>21 Q. Do you recall drafting this letter 12:32</p> <p>22 on behalf of Mr. Nofi? 12:32</p> <p>23 A. No. 12:32</p> <p>24 Q. Any reason to believe that that's 12:32</p> <p>25 not your signature? 12:32</p>	<p>1 Paradiso</p> <p>2 A. No. 12:32</p> <p>3 Q. Do you have any recollection of who 12:32</p> <p>4 Mr. Giancanti is? 12:32</p> <p>5 A. No. 12:32</p> <p>6 Q. Between -- let's talk about each 12:32</p> <p>7 plaintiff now. 12:33</p> <p>8 Between the time that you first 12:33</p> <p>9 worked with Mr. Fiorillo to the last day of 12:33</p> <p>10 your full-time position in September of 2005, 12:33</p> <p>11 are you aware of what jobs, if any, 12:33</p> <p>12 Mr. Fiorillo applied for in the law enforcement 12:33</p> <p>13 field? 12:33</p> <p>14 A. I remember he was investigated for a 12:33</p> <p>15 position with the FBI and I spoke to an 12:33</p> <p>16 investigator -- 12:33</p> <p>17 THE COURT REPORTER: I can't hear 12:33</p> <p>18 you. I'm sorry. 12:33</p> <p>19 A. I'm sorry. He was investigated for 12:33</p> <p>20 a position with the FBI. I think I spoke to an 12:33</p> <p>21 investigator from the FBI. 12:33</p> <p>22 Q. And did he get that job with the 12:33</p> <p>23 FBI? 12:33</p> <p>24 A. I don't -- I'm taking for granted 12:33</p> <p>25 that since I don't think he is employed by the 12:33</p>
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<p>1 Paradiso</p> <p>2 FBI that he didn't get the job. 12:33</p> <p>3 Q. And do you know why he didn't get 12:33</p> <p>4 that job? 12:33</p> <p>5 A. No, I do not. 12:33</p> <p>6 Q. Did Mr. Fiorillo ever explain to you 12:33</p> <p>7 why he didn't get that job? 12:33</p> <p>8 A. I don't recall if he did. 12:34</p> <p>9 Q. Okay. And do you recall any other 12:34</p> <p>10 law enforcement jobs that Mr. Fiorillo had 12:34</p> <p>11 advised you that he had been applying for in 12:34</p> <p>12 the time period between your first meeting 12:34</p> <p>13 Mr. Fiorillo and the end of September 2005? 12:34</p> <p>14 A. I don't recall. 12:34</p> <p>15 Q. Okay. Same question with regard to 12:34</p> <p>16 Mr. Snyder, and I only pick Mr. Snyder because 12:34</p> <p>17 he is in the room. 12:34</p> <p>18 Between the time you first met 12:34</p> <p>19 Mr. Snyder and the end of September 2005, are 12:34</p> <p>20 you aware of any law enforcement jobs that 12:34</p> <p>21 Mr. Snyder applied for? 12:34</p> <p>22 A. No. 12:34</p> <p>23 Q. Same question with regard to 12:34</p> <p>24 Mr. Nofi. 12:34</p> <p>25 A. I think Joe got a job working for 12:34</p>	<p>1 Paradiso</p> <p>2 Brookhaven -- Town of Brookhaven as -- I think 12:34</p> <p>3 it was in their bay constable division, and he 12:34</p> <p>4 also worked for the -- got a job with Suffolk 12:34</p> <p>5 County Tobacco Enforcement, I think. He 12:34</p> <p>6 applied for a job with a police department that 12:35</p> <p>7 I did a telephone interview for him with. 12:35</p> <p>8 Q. And do you recall the name of that 12:35</p> <p>9 Police Department? 12:35</p> <p>10 A. I saw it on the paper the other 12:35</p> <p>11 week. It was in Florida, but I don't 12:35</p> <p>12 remember the -- 12:35</p> <p>13 Q. Oh, Collier County. 12:35</p> <p>14 A. Okay. 12:35</p> <p>15 Q. Collier County. My question to you 12:35</p> <p>16 is between the first day you saw Mr. Nofi and 12:35</p> <p>17 September -- end of September 2005. I believe 12:35</p> <p>18 Collier County -- 12:35</p> <p>19 A. That was after 2005, so those are 12:35</p> <p>20 all the ones I can recall. 12:35</p> <p>21 Q. And how about Mr. Carter? 12:35</p> <p>22 A. Mr. Carter, no, he was employed by 12:35</p> <p>23 the town the whole time he worked for me. 12:35</p> <p>24 Q. How about Mr. Lamm? 12:35</p> <p>25 A. I think he got a job with the Town 12:35</p>

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<p>1 Paradiso</p> <p>2 of Islip in their airport police division. I 12:36</p> <p>3 know he was being investigated for the Suffolk 12:36</p> <p>4 County Police Department, but I never got an 12:36</p> <p>5 inquiry about him before 2005. 12:36</p> <p>6 Q. Okay. So prior to 2005 are you 12:36</p> <p>7 aware that Mr. Lamm was being investigated by 12:36</p> <p>8 the Suffolk County Police Academy? 12:36</p> <p>9 A. I believe so. 12:36</p> <p>10 Q. Okay. And you don't know before the 12:36</p> <p>11 end of September 2005 whether or not he had 12:36</p> <p>12 gotten that job or not? 12:36</p> <p>13 A. No. 12:36</p> <p>14 Q. I think I am done with that. 12:36</p> <p>15 Now, let's talk about the Halloween 12:37</p> <p>16 incident. You are aware that at some point in 12:37</p> <p>17 time in the early morning of October 31st, I 12:37</p> <p>18 believe, that there was an incident at Houser's 12:37</p> <p>19 bar requiring Mr. Lamm, Mr. Snyder and 12:37</p> <p>20 Mr. Fiorillo to answer a call; correct? 12:37</p> <p>21 A. Yes. 12:37</p> <p>22 Q. And you have since come to learn 12:37</p> <p>23 that there was a physical altercation involving 12:37</p> <p>24 civilians and Mr. Bosetti, Gary Bosetti; 12:37</p> <p>25 correct? 12:37</p>	<p>1 Paradiso</p> <p>2 A. Right. 12:37</p> <p>3 Q. And you have since learned that 12:37</p> <p>4 Richard Bosetti was present in the bar that 12:37</p> <p>5 night as well; correct? 12:38</p> <p>6 A. Right. 12:38</p> <p>7 Q. Now, just so the record is clear, 12:38</p> <p>8 you were not present in the Village at the time 12:38</p> <p>9 that the incident took place; correct? 12:38</p> <p>10 A. No. 12:38</p> <p>11 Q. To your knowledge, Mr. Hesse wasn't 12:38</p> <p>12 present in the Village at the time this 12:38</p> <p>13 incident took place; correct? 12:38</p> <p>14 A. Correct. 12:38</p> <p>15 Q. Now, Mr. Fiorillo, Lamm and Snyder 12:38</p> <p>16 answer the call about a physical altercation in 12:38</p> <p>17 Houser's and, to your knowledge, they proceeded 12:38</p> <p>18 to that call; correct? 12:38</p> <p>19 A. Yes. 12:38</p> <p>20 Q. And do you recall approximately what 12:38</p> <p>21 time this took place? 12:38</p> <p>22 A. No. 12:38</p> <p>23 Q. Do you recall when you came in to 12:38</p> <p>24 the Village the next morning? 12:38</p> <p>25 A. It was probably sometime around 7:30 12:38</p>
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<p>1 Paradiso</p> <p>2 or 8:00 in the morning. 12:39</p> <p>3 Q. So there was a period of time 12:39</p> <p>4 between when they received the call and when 12:39</p> <p>5 you came in that neither you, nor Mr. Hesse 12:39</p> <p>6 were present in the Village; correct? 12:39</p> <p>7 A. Correct. 12:39</p> <p>8 Q. And I believe you testified that you 12:39</p> <p>9 were a click away on your Nextel phone at all 12:39</p> <p>10 times in this time period; correct? 12:39</p> <p>11 A. Yes. 12:39</p> <p>12 Q. Same thing for Mr. Hesse; correct? 12:39</p> <p>13 A. Yes. 12:39</p> <p>14 Q. So would you agree with me that if 12:39</p> <p>15 any of the three plaintiffs that I identified 12:39</p> <p>16 needed to reach you concerning this incident, 12:39</p> <p>17 all they had to do was click the button and 12:39</p> <p>18 call you on the Nextel radio? 12:39</p> <p>19 A. Either that or just dial the phone, 12:39</p> <p>20 my phone. I kept it next to my bed. 12:40</p> <p>21 Q. But it would have taken longer to 12:40</p> <p>22 dial the phone, they could have just clicked 12:40</p> <p>23 the radio; right? 12:40</p> <p>24 A. Right. 12:40</p> <p>25 Q. That's assuming you had the radio on 12:40</p>	<p>1 Paradiso</p> <p>2 you; right? 12:40</p> <p>3 A. (Nodding.) 12:40</p> <p>4 Q. Now, at any point in time did any of 12:40</p> <p>5 those three plaintiffs call you? 12:40</p> <p>6 A. No. 12:40</p> <p>7 Q. To your knowledge, did any of those 12:40</p> <p>8 plaintiffs before you arrived in Ocean Beach 12:40</p> <p>9 call Mr. Hesse or click the Nextel phone to 12:40</p> <p>10 call Mr. Hesse? 12:40</p> <p>11 A. I'm not aware that they did. 12:40</p> <p>12 Q. Okay. Now, Mr. Gary Bosetti was off 12:40</p> <p>13 duty at the time; right? 12:40</p> <p>14 A. As far as I know, yes. 12:40</p> <p>15 Q. And I understand he had his shield 12:40</p> <p>16 and I'm led to -- well, is a police officer 12:40</p> <p>17 ever really off duty, in your opinion? 12:40</p> <p>18 A. Well, you are always a police 12:40</p> <p>19 officer, but you are on duty and off duty. 12:40</p> <p>20 Q. Okay. But he wasn't on an official 12:41</p> <p>21 tour when this incident took place; right? 12:41</p> <p>22 A. No. 12:41</p> <p>23 Q. Neither was Richard Bosetti; 12:41</p> <p>24 correct? 12:41</p> <p>25 A. No. 12:41</p>

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<p>1 Paradiso</p> <p>2 Q. In your experience at Ocean Beach on 12:41</p> <p>3 how many other occasions, if any, had an 12:41</p> <p>4 off-duty police officer been involved in a 12:41</p> <p>5 physical altercation in a bar that required a 12:41</p> <p>6 police presence? 12:41</p> <p>7 A. How many? 12:41</p> <p>8 Q. Yes. 12:41</p> <p>9 A. I couldn't give you a number. 12:41</p> <p>10 Q. Okay. Well, let's then maybe break 12:41</p> <p>11 it down a little bit. 12:41</p> <p>12 On how many occasions was 12:41</p> <p>13 Mr. Fiorillo prior to this incident involved in 12:41</p> <p>14 a situation when an off-duty police officer was 12:41</p> <p>15 one of the actors in a physical altercation 12:42</p> <p>16 while off duty in a bar? 12:42</p> <p>17 A. I don't think he had been before. 12:42</p> <p>18 Q. Same question with regard to 12:42</p> <p>19 Mr. Snyder. 12:42</p> <p>20 A. I don't recall it ever happening 12:42</p> <p>21 with Mr. Snyder either. 12:42</p> <p>22 Q. Same question with regard to 12:42</p> <p>23 Mr. Lamm. 12:42</p> <p>24 A. I don't recall. 12:42</p> <p>25 Q. So at least based upon your 12:42</p>	<p>1 Paradiso</p> <p>2 recollection as you sit here today, would you 12:42</p> <p>3 agree with me that the situation confronting 12:42</p> <p>4 these three officers was unique for them at 12:42</p> <p>5 that point in time? 12:42</p> <p>6 A. Yes. 12:42</p> <p>7 Q. Would you agree with me that at 12:42</p> <p>8 least one deficiency in their performance that 12:42</p> <p>9 night was not immediately calling you or 12:43</p> <p>10 Mr. Hesse when they became aware of a physical 12:43</p> <p>11 altercation that may have involved either Gary 12:43</p> <p>12 or Richard Bosetti? 12:43</p> <p>13 MR. GOODSTADT: Objection. 12:43</p> <p>14 A. Yes. 12:43</p> <p>15 Q. Okay. To your knowledge, did any of 12:43</p> <p>16 these three plaintiffs secure the crime scene 12:43</p> <p>17 upon arriving at the bar? 12:43</p> <p>18 A. I'm not certain what they did upon 12:43</p> <p>19 their arrival. 12:43</p> <p>20 Q. Well, based upon your knowledge -- 12:43</p> <p>21 based upon your experience, what does securing 12:43</p> <p>22 the crime scene mean? 12:43</p> <p>23 A. Preserving the scene for a further 12:43</p> <p>24 investigation to take place. Limiting access 12:43</p> <p>25 in and out. 12:44</p>
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<p>1 Paradiso</p> <p>2 Q. To your knowledge, did any of the 12:44</p> <p>3 three plaintiffs secure the crime scene, as you 12:44</p> <p>4 have just described it? 12:44</p> <p>5 A. I don't know. 12:44</p> <p>6 Q. Did you ever find any evidence in 12:44</p> <p>7 your review of any documentation created either 12:44</p> <p>8 by the plaintiffs or anybody else that leads 12:44</p> <p>9 you to believe that the plaintiffs secured the 12:44</p> <p>10 crime scene? 12:44</p> <p>11 A. Securing the crime scene wouldn't 12:44</p> <p>12 have been a typical thing that we did at Ocean 12:44</p> <p>13 Beach at a bar fight. It just wasn't part of 12:44</p> <p>14 our normal procedure to secure scenes in that 12:44</p> <p>15 manner. I wouldn't have expected them to tape 12:44</p> <p>16 off the bar and preserve it like that. 12:45</p> <p>17 Q. Would you have expect -- well, would 12:45</p> <p>18 you have expected them in their role as the 12:45</p> <p>19 initial three investigating officers to at 12:45</p> <p>20 least identify one potential eyewitness to the 12:45</p> <p>21 event? 12:45</p> <p>22 A. I would have hoped that they would 12:45</p> <p>23 have been able to get an eyewitness to the 12:45</p> <p>24 event. 12:45</p> <p>25 Q. Even if that eyewitness didn't give 12:45</p>	<p>1 Paradiso</p> <p>2 them any information, you understand what I am 12:45</p> <p>3 saying? 12:45</p> <p>4 A. An eyewitness would have to say "I 12:45</p> <p>5 saw something" and if none came forward, it 12:45</p> <p>6 would be impossible for them to secure that. 12:45</p> <p>7 Q. How about even a list of potential 12:45</p> <p>8 eyewitnesses who were present in the bar that 12:45</p> <p>9 night? 12:45</p> <p>10 A. With the amount of manpower that was 12:45</p> <p>11 on -- I wasn't there. 12:46</p> <p>12 Q. I understand that. Right. I am 12:46</p> <p>13 just asking -- 12:46</p> <p>14 A. So I don't know how many people were 12:46</p> <p>15 in the bar when it took place, and in a 12:46</p> <p>16 situation where you have somebody who is 12:46</p> <p>17 injured, I think their first response was 12:46</p> <p>18 trying to deal with the injuries of the person 12:46</p> <p>19 that got hurt and -- 12:46</p> <p>20 Q. More so -- 12:46</p> <p>21 A. More so than the secondary 12:46</p> <p>22 investigation of what exactly took place. 12:46</p> <p>23 Q. Okay. So it's your belief that the 12:46</p> <p>24 three officers that arrived, their first 12:46</p> <p>25 priority should have been to find out who was 12:46</p>

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<p>1 Paradiso</p> <p>2 injured, and if the injured parties were not in 12:46</p> <p>3 their presence, to find them? 12:46</p> <p>4 A. And if they needed medical 12:46</p> <p>5 assistance, to get it for them, yes. 12:46</p> <p>6 Q. Now, if Gary Bosetti was one of the 12:46</p> <p>7 injured parties, would you agree with me that 12:46</p> <p>8 it would have been the plaintiffs' -- the three 12:46</p> <p>9 officers that were there that night -- 12:46</p> <p>10 responsibility to try to find Mr. Bosetti and 12:47</p> <p>11 attend to whatever injuries he may have? 12:47</p> <p>12 A. If he was injured, yes. 12:47</p> <p>13 Q. To your knowledge, did the 12:47</p> <p>14 plaintiffs -- did any of the three plaintiffs 12:47</p> <p>15 who arrived on the scene that night do anything 12:47</p> <p>16 to try to find Gary Bosetti in between the time 12:47</p> <p>17 they first arrived and the time that you came 12:47</p> <p>18 to the police station the following morning? 12:47</p> <p>19 A. I don't remember. 12:47</p> <p>20 Q. Okay. Let's discuss again the 12:47</p> <p>21 geography of Ocean Beach. You have the ferry 12:47</p> <p>22 station. Right? In relation to Houser's, 12:47</p> <p>23 where is the ferry station? 12:47</p> <p>24 A. About 300 feet from the bar. 12:47</p> <p>25 Q. If you didn't try to get off the 12:48</p>	<p>1 Paradiso</p> <p>2 island on a ferry, how could one get off the 12:48</p> <p>3 island? What were the other possible ways that 12:48</p> <p>4 you can get off of Ocean Beach? 12:48</p> <p>5 A. You could take a water taxi, you 12:48</p> <p>6 could take a ferry from a different area, water 12:48</p> <p>7 taxi from a different area, you could take a 12:48</p> <p>8 private boat, or you could drive off in a 12:48</p> <p>9 four-wheel drive vehicle. 12:48</p> <p>10 Q. Okay. Now, at 3:00 in the morning 12:48</p> <p>11 in the end of October, are there ferries 12:48</p> <p>12 running? 12:48</p> <p>13 A. I don't believe so. 12:48</p> <p>14 Q. Are there water taxis running? 12:48</p> <p>15 A. Yes. 12:48</p> <p>16 Q. Okay. And where is the water taxi 12:48</p> <p>17 station in comparison to the ferry terminal? 12:48</p> <p>18 A. It's further past the ferry terminal 12:48</p> <p>19 at the end of -- the one in Ocean Beach is at 12:48</p> <p>20 the end of Bay Walk. 12:48</p> <p>21 Q. Now, is there someone -- 12:48</p> <p>22 A. I mean Bayberry Walk. I'm sorry. 12:48</p> <p>23 Q. Say 3:00 in the morning, is there a 12:48</p> <p>24 dockmaster or some other official police 12:48</p> <p>25 officer at Ocean Beach who is present at the 12:49</p>
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<p>1 Paradiso</p> <p>2 ferry terminal? 12:49</p> <p>3 A. We probably had a dockmaster on that 12:49</p> <p>4 night. Water taxis stop running at 2:00 in the 12:49</p> <p>5 morning in Ocean Beach. 12:49</p> <p>6 Q. Okay. So if this incident took 12:49</p> <p>7 place after 2:00, then the water taxi would not 12:49</p> <p>8 be available? 12:49</p> <p>9 A. Not in Ocean Beach, no. 12:49</p> <p>10 Q. And when would the ferries start 12:49</p> <p>11 again the following morning? 12:49</p> <p>12 A. I'm not certain of the schedule, but 12:49</p> <p>13 there would probably be a boat around 10:00 in 12:49</p> <p>14 the morning. 12:49</p> <p>15 Q. And how about water taxi? 12:49</p> <p>16 A. Water taxis can start up again at 12:49</p> <p>17 like 5 or 6:00 in the morning if they were 12:49</p> <p>18 going to be running. I don't know if they were 12:49</p> <p>19 running at that time. 12:49</p> <p>20 Q. And if they were running, there 12:49</p> <p>21 would be probably a dockmaster there? 12:49</p> <p>22 A. Not always. 12:49</p> <p>23 Q. Okay. You could take a four-wheel 12:49</p> <p>24 drive. How would you take -- where would you 12:49</p> <p>25 go to take a four-wheel drive off the island? 12:49</p>	<p>1 Paradiso</p> <p>2 A. You would have to drive down the 12:49</p> <p>3 beach to Robert Moses Causeway, over the 12:49</p> <p>4 bridges, and... 12:49</p> <p>5 Q. Okay. Now, is there a road that you 12:49</p> <p>6 have to go through on Ocean Beach to get to the 12:49</p> <p>7 Robert Moses Causeway? 12:50</p> <p>8 A. You would go through -- take Midway 12:50</p> <p>9 and there is like a sand path that you could 12:50</p> <p>10 take or you can walk over to the beach and go 12:50</p> <p>11 straight down the beach. 12:50</p> <p>12 Q. Okay. And you said there is a 12:50</p> <p>13 private -- there could be private boats too. 12:50</p> <p>14 A. Yes. 12:50</p> <p>15 Q. Are you aware as you sit here today 12:50</p> <p>16 that any of the plaintiffs took any action to 12:50</p> <p>17 try to find Gary Bosetti in the hours between 12:50</p> <p>18 the incident and that you came to the Village? 12:50</p> <p>19 A. I believe that they said that they 12:50</p> <p>20 did look for him in the barracks, but he wasn't 12:50</p> <p>21 there. 12:50</p> <p>22 Q. Anyplace else that you know as you 12:50</p> <p>23 sit here today that the plaintiffs looked for 12:50</p> <p>24 Mr. Gary Bosetti? 12:50</p> <p>25 A. I don't recall. 12:51</p>

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<p>1 Paradiso</p> <p>2 Q. Now, Richard Bosetti, you would 12:51</p> <p>3 agree with me that the three plaintiffs knew 12:51</p> <p>4 that Richard Bosetti was at least in the bar at 12:51</p> <p>5 the time of the incident; correct? 12:51</p> <p>6 A. I believe so. 12:51</p> <p>7 Q. Whether he was an eyewitness or not, 12:51</p> <p>8 he was in the bar. And you would agree with me 12:51</p> <p>9 that you learned at some point in time that 12:51</p> <p>10 while the alleged victims of the -- at the time 12:51</p> <p>11 of what they claimed to be a brutal act by Gary 12:51</p> <p>12 Bosetti were in the police station having their 12:51</p> <p>13 injuries tended to, that Richard Bosetti walked 12:51</p> <p>14 into the police station at that time. Do you 12:51</p> <p>15 recall that? 12:51</p> <p>16 A. Yes, I recall that. 12:51</p> <p>17 Q. To your knowledge, did any of the 12:51</p> <p>18 plaintiffs do anything to make sure that 12:51</p> <p>19 Mr. Bosetti didn't leave the police station 12:51</p> <p>20 before he gave an account of everything that 12:51</p> <p>21 transpired? 12:51</p> <p>22 A. I'm not aware if they did or not. 12:51</p> <p>23 Q. Okay. Is that something that you 12:52</p> <p>24 think as the police chief, given your 12:52</p> <p>25 experience, that these three officers should 12:52</p>	<p>1 Paradiso</p> <p>2 have at least attempted to do with regard to 12:52</p> <p>3 Richard Bosetti? 12:52</p> <p>4 A. It all depends on how serious the 12:52</p> <p>5 injuries of the people in the office were. 12:52</p> <p>6 Richard Bosetti was a member of the Police 12:52</p> <p>7 Department. Whether or not they got their 12:52</p> <p>8 information from him immediately or later on, 12:52</p> <p>9 it wasn't like he was gonna hop on a plane and 12:52</p> <p>10 flee the country. He was somebody that they 12:52</p> <p>11 could talk to at any point, so... 12:52</p> <p>12 Q. Would you agree with me, though, 12:52</p> <p>13 that recollections sometimes tend to fade the 12:52</p> <p>14 further away you get from an event? 12:52</p> <p>15 A. I think I am proof -- 12:52</p> <p>16 MR. GOODSTADT: Objection. 12:52</p> <p>17 A. I am proof positive of that, but it 12:52</p> <p>18 all depends on what's going on in the office at 12:52</p> <p>19 the time. You know, you have people injured, 12:52</p> <p>20 you have the ambulance crew in and out. You 12:52</p> <p>21 know, guys are working. They are trying to do 12:53</p> <p>22 the best that they can. 12:53</p> <p>23 Q. And at least as of the time that you 12:53</p> <p>24 arrived, the only story that was being told 12:53</p> <p>25 about what took place came from the three 12:53</p>
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<p>1 Paradiso</p> <p>2 alleged victims and a woman; correct? To your 12:53</p> <p>3 knowledge. 12:53</p> <p>4 A. The three people that were there, 12:53</p> <p>5 the woman and the two guys. 12:53</p> <p>6 Q. Okay. And at least at the time that 12:53</p> <p>7 you arrived that morning, nobody else had come 12:53</p> <p>8 forward and given any other story? 12:53</p> <p>9 A. No. 12:53</p> <p>10 Q. So would it be fair to say that all 12:53</p> <p>11 you knew at the time that you arrived once you 12:53</p> <p>12 talked to Mr. Fiorillo and saw whatever was 12:53</p> <p>13 written up at the time was that Mr. Bosetti was 12:53</p> <p>14 involved in a physical altercation while off 12:53</p> <p>15 duty at Houser's bar in the morning hours of 12:53</p> <p>16 the 31st and he hit someone with a pool cue. 12:53</p> <p>17 A. Right. 12:53</p> <p>18 Q. Okay. And you were unaware as to 12:53</p> <p>19 whether this was in self-defense or not at the 12:54</p> <p>20 time, correct, based upon at least what you had 12:54</p> <p>21 heard and what you had seen? 12:54</p> <p>22 A. Yeah, I -- the events that took 12:54</p> <p>23 place in the bar were kind of sketchy. All I 12:54</p> <p>24 had to go by was what was reported to me and 12:54</p> <p>25 what the people said. 12:54</p>	<p>1 Paradiso</p> <p>2 Q. Okay. "The people" being the -- 12:54</p> <p>3 A. The injured. 12:54</p> <p>4 Q. Right. And at some point in time 12:54</p> <p>5 after you arrived you called Gary Bosetti up? 12:54</p> <p>6 A. Actually, first I went looking for 12:54</p> <p>7 him. 12:54</p> <p>8 Q. Okay. And where did you go again? 12:54</p> <p>9 A. I went to the barracks to see if he 12:54</p> <p>10 turned up in the barracks. I went to a house 12:54</p> <p>11 on Bayberry that someone said he might be at. 12:54</p> <p>12 I forget who. He wasn't there. And then I 12:54</p> <p>13 tried him on his cell phone. I got his 12:54</p> <p>14 message. And then eventually he called in to 12:54</p> <p>15 the police station. 12:54</p> <p>16 Q. And that's when you asked him to 12:54</p> <p>17 come in so that he can give his version of what 12:55</p> <p>18 took place; right? 12:55</p> <p>19 A. Right. 12:55</p> <p>20 Q. And he said no? 12:55</p> <p>21 A. Right. 12:55</p> <p>22 Q. And that's when you suspended him 12:55</p> <p>23 for -- pending termination? 12:55</p> <p>24 A. Right. 12:55</p> <p>25 Q. And if I believe -- if I remember 12:55</p>

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<p>1 Paradiso</p> <p>2 correctly, you suspended him pending 12:55</p> <p>3 termination because he refused to come in and 12:55</p> <p>4 discuss with you the incident? 12:55</p> <p>5 A. Well, all I had was the statement -- 12:55</p> <p>6 you know, what the people had told me had 12:55</p> <p>7 happened and without any other information from 12:55</p> <p>8 a witness or anything else, I could only go by 12:55</p> <p>9 what they said, and on the basis of that and 12:55</p> <p>10 his refusal to come back in, my hands were 12:55</p> <p>11 tied. 12:55</p> <p>12 Q. No, I understand. Again, the point 12:55</p> <p>13 of my question isn't to be critical. I am just 12:55</p> <p>14 trying to figure out -- get the facts as to 12:55</p> <p>15 what precipitated you making that decision, and 12:55</p> <p>16 if I understand you correctly, it was based, 12:55</p> <p>17 one, on the fact that the only story that you 12:55</p> <p>18 had at that point in time was the fact that 12:55</p> <p>19 Gary hit somebody with a pool cue and that he 12:55</p> <p>20 refused to come back to the Village to discuss 12:55</p> <p>21 it with you. 12:56</p> <p>22 A. Right. 12:56</p> <p>23 MR. NOVIKOFF: Okay. Why don't we 12:56</p> <p>24 take a break and why don't we have like a 12:56</p> <p>25 half-hour lunch and I think then I could 12:56</p>	<p>1 Paradiso</p> <p>2 wrap it up probably within the hour. 12:56</p> <p>3 MR. GOODSTADT: Okay. 12:56</p> <p>4 THE VIDEOGRAPHER: The time is now 12:56</p> <p>5 12:56 p.m. That is the end of tape 12:56</p> <p>6 number 2. We are now off the record. 12:56</p> <p>7 (Lunch recess was taken from 12:56 12:56</p> <p>8 to 1:41.) 01:39</p> <p>9 THE VIDEOGRAPHER: This is the start 01:39</p> <p>10 of tape number 3. The time is now 01:40</p> <p>11 1:41 p.m. We are now back on the record. 01:40</p> <p>12 CONTINUED EXAMINATION BY 01:40</p> <p>13 MR. NOVIKOFF: 01:40</p> <p>14 Q. Let's go to -- back to the 01:40</p> <p>15 Complaint, page 17. 01:40</p> <p>16 When you first spoke to Mr. Fiorillo 01:40</p> <p>17 on the morning of October 31st, did he advise 01:40</p> <p>18 you that Richard Bosetti refused to assist in 01:41</p> <p>19 the investigation earlier that morning? 01:41</p> <p>20 A. When I spoke to him on the phone? 01:41</p> <p>21 Q. Yes. 01:41</p> <p>22 A. I don't remember if he did or not, 01:41</p> <p>23 but I don't believe so. 01:41</p> <p>24 Q. Okay. Did Mr. Fiorillo on that 01:41</p> <p>25 phone conversation advise you that he had asked 01:41</p>
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<p>1 Paradiso</p> <p>2 where Gary Bosetti was and that Richard Bosetti 01:41</p> <p>3 refused to tell him? 01:41</p> <p>4 A. I'm uncertain if he told me that the 01:41</p> <p>5 Bosettis were involved during that phone call. 01:41</p> <p>6 I thought he said that I had to come in, that 01:41</p> <p>7 there was an incident, and then once I got to 01:41</p> <p>8 the police station is when I found out that -- 01:41</p> <p>9 Q. The Bosettis were involved? 01:41</p> <p>10 A. The Bosettis were involved. 01:41</p> <p>11 Q. And you found out from Mr. Fiorillo? 01:41</p> <p>12 A. Yes. 01:42</p> <p>13 Q. And in that in-person conversation 01:42</p> <p>14 in the police house, now not the telephone, but 01:42</p> <p>15 when you actually got on the beach, did 01:42</p> <p>16 Mr. Fiorillo advise you during that in-person 01:42</p> <p>17 conversation that Richard Bosetti in his 01:42</p> <p>18 opinion had refused to assist in the 01:42</p> <p>19 investigation earlier that morning? 01:42</p> <p>20 A. I don't recall. 01:42</p> <p>21 Q. And did Mr. Fiorillo advise you in 01:42</p> <p>22 that in-person conversation that he had 01:42</p> <p>23 asked -- he or the other officer had asked 01:42</p> <p>24 where Mr. Gary Bosetti was and that Richard 01:42</p> <p>25 Bosetti refused to tell him? 01:42</p>	<p>1 Paradiso</p> <p>2 A. I don't remember him saying that 01:42</p> <p>3 either. 01:42</p> <p>4 Q. Okay. Did you talk to Tom Snyder at 01:42</p> <p>5 all that morning? When I say "that morning," 01:42</p> <p>6 the morning of the 31st. 01:42</p> <p>7 A. I don't recall if he was there or 01:42</p> <p>8 not. 01:43</p> <p>9 Q. Okay. Do you recall before first 01:43</p> <p>10 advising Mr. Hesse of what had gone on of 01:43</p> <p>11 speaking with Tom Snyder? 01:43</p> <p>12 A. I'm not sure. 01:43</p> <p>13 Q. Okay. Did Mr. Snyder ever advise 01:43</p> <p>14 you that he was told by patrons at Houser's 01:43</p> <p>15 that night that one or more patrons were 01:43</p> <p>16 concerned about a cover-up? 01:43</p> <p>17 A. I don't recall that. 01:43</p> <p>18 Q. Now, you testified before 01:43</p> <p>19 Mr. Goodstadt on Monday that Mr. Snyder did 01:44</p> <p>20 communicate to you the following in sum or 01:44</p> <p>21 substance, that he didn't want this to be swept 01:44</p> <p>22 under the rug. Do you recall testifying to 01:44</p> <p>23 that? 01:44</p> <p>24 A. Yeah, but I think it was a couple of 01:44</p> <p>25 days after all this took place. 01:44</p>

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<p>1 Paradiso</p> <p>2 Q. Yeah, I am not asking you exactly 01:44</p> <p>3 when, just that you recall testifying to that. 01:44</p> <p>4 A. Right. 01:44</p> <p>5 Q. Do you have any reason -- withdrawn. 01:44</p> <p>6 Do you have any understanding as to 01:44</p> <p>7 why Mr. Snyder would have told you a couple of 01:44</p> <p>8 days after the incident that he didn't want 01:44</p> <p>9 anything to be hidden under the rug, in sum or 01:44</p> <p>10 substance? 01:44</p> <p>11 A. Not really. 01:44</p> <p>12 Q. Did you inquire with him as to what 01:44</p> <p>13 he meant by he didn't want this to be swept 01:44</p> <p>14 under the rug? 01:44</p> <p>15 A. No, I just told him that that would 01:44</p> <p>16 never take place. 01:44</p> <p>17 Q. Had Mr. Snyder ever advised you 01:44</p> <p>18 prior to that time that he thought that certain 01:44</p> <p>19 incidents involving the Ocean Beach Police 01:44</p> <p>20 Department were swept under the rug? 01:45</p> <p>21 A. I don't believe so. 01:45</p> <p>22 Q. Did Mr. Snyder in this conversation 01:45</p> <p>23 that you just testified about advise you that 01:45</p> <p>24 he advised patrons at Houser's that night that 01:45</p> <p>25 there would not be a cover-up? 01:45</p>	<p>1 Paradiso</p> <p>2 A. I don't recall that. 01:45</p> <p>3 Q. Let's turn to the next page. 01:45</p> <p>4 A. Which page number? 01:45</p> <p>5 Q. 18. At the top of the page 01:45</p> <p>6 underlined it says "the cover-up by Hesse." Do 01:45</p> <p>7 you see that? 01:45</p> <p>8 A. Yes. 01:45</p> <p>9 Q. As you sit here today, based upon 01:45</p> <p>10 your involvement in the Halloween incident in 01:45</p> <p>11 terms of being the chief of police, reviewing 01:45</p> <p>12 documents, talking to people, are you of the 01:46</p> <p>13 opinion that Mr. Hesse covered up anything with 01:46</p> <p>14 regard to the events of that evening? 01:46</p> <p>15 A. No. 01:46</p> <p>16 MR. GOODSTADT: Objection. 01:46</p> <p>17 A. I don't believe so. 01:46</p> <p>18 Q. In your opinion based upon all you 01:46</p> <p>19 know, did Mr. Hesse do anything to protect Gary 01:46</p> <p>20 Bosetti during the course of his investigation? 01:46</p> <p>21 A. I'm not aware of anything he did. 01:46</p> <p>22 Q. To your knowledge as the chief of 01:46</p> <p>23 police, did Mr. Hesse conduct a thorough 01:46</p> <p>24 investigation of the Halloween incident? 01:46</p> <p>25 A. I felt it was thorough. 01:46</p>
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<p>1 Paradiso</p> <p>2 Q. To your knowledge, did Pat Cherry do 01:46</p> <p>3 anything that was inappropriate with regard to 01:46</p> <p>4 his involvement with the investigation? 01:46</p> <p>5 A. I don't think so. 01:46</p> <p>6 Q. Now, there came a point in time that 01:46</p> <p>7 the DA got involved in this matter, correct, 01:47</p> <p>8 the Suffolk County DA? 01:47</p> <p>9 A. Yeah, when it was filed in court. 01:47</p> <p>10 Q. What was filed with court? 01:47</p> <p>11 A. The court informations, I guess, the 01:47</p> <p>12 complaints. 01:47</p> <p>13 Q. Okay. Now, between the time that 01:47</p> <p>14 you first arrived at the Village that morning 01:47</p> <p>15 of the 31st and the time that the Suffolk 01:47</p> <p>16 County DA, to your understanding, got involved 01:47</p> <p>17 in the matter, did Mr. Snyder ever advise you 01:47</p> <p>18 that he thought that Mr. Hesse was engaging in 01:47</p> <p>19 a cover-up? 01:47</p> <p>20 A. I don't think so. 01:47</p> <p>21 Q. Same question with Mr. Lamm. 01:47</p> <p>22 A. No. 01:47</p> <p>23 Q. Same question for Mr. Fiorillo. 01:47</p> <p>24 A. No. 01:47</p> <p>25 Q. Did the Suffolk County DA ever 01:47</p>	<p>1 Paradiso</p> <p>2 advise you that -- and when I say the DA, I 01:47</p> <p>3 mean any assistant district attorney or the DA 01:47</p> <p>4 himself, ever advise you that it was the DA's 01:47</p> <p>5 belief that there was a cover-up concerning the 01:47</p> <p>6 investigation of the Halloween incident? 01:48</p> <p>7 A. No. 01:48</p> <p>8 Q. Let's look at paragraph 71. Just 01:48</p> <p>9 read it for me and then tell me when you are 01:48</p> <p>10 done. 01:48</p> <p>11 (Document review.) 01:48</p> <p>12 A. Okay. 01:48</p> <p>13 Q. Now, did -- to your knowledge, do 01:48</p> <p>14 you have -- well, withdrawn. 01:49</p> <p>15 Do you have an understanding as to 01:49</p> <p>16 what the plaintiffs mean -- meant when they 01:49</p> <p>17 alleged in paragraph 71 that the field report 01:49</p> <p>18 was then rewritten by or at the direction of 01:49</p> <p>19 Hesse? 01:49</p> <p>20 A. No. 01:49</p> <p>21 Q. Did you ever discover any evidence 01:49</p> <p>22 to suggest that a field report drafted by one 01:49</p> <p>23 or more of the plaintiffs in this action 01:49</p> <p>24 concerning the Halloween incident was 01:49</p> <p>25 rewritten? 01:49</p>

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<p>1 Paradiso</p> <p>2 A. I don't believe so. 01:49</p> <p>3 Q. Let's look at paragraph 73. Well, 01:49</p> <p>4 actually, let's look at paragraph 72. It's 01:49</p> <p>5 alleged that Chief Paradiso and Officer Snyder 01:49</p> <p>6 spoke the morning of October 31st, 2004. 01:49</p> <p>7 Without accepting this as true, does 01:49</p> <p>8 that statement refresh your recollection as to 01:49</p> <p>9 whether or not you and Mr. Snyder spoke on the 01:49</p> <p>10 morning of the 31st? 01:49</p> <p>11 A. Not really. 01:49</p> <p>12 Q. Okay. Let's look at paragraph 73. 01:49</p> <p>13 "On October 31st, 2004 Chief Paradiso 01:50</p> <p>14 terminated Gary Bosetti's employment for his 01:50</p> <p>15 role in brutalizing the civilians at Houser's 01:50</p> <p>16 earlier that morning." Is that an accurate 01:50</p> <p>17 allegation as you sit here today? 01:50</p> <p>18 A. It's hard to answer that question, 01:50</p> <p>19 because I don't remember the actual 01:51</p> <p>20 conversation verbatim as to what exactly was 01:51</p> <p>21 stated. 01:51</p> <p>22 Q. I am not asking you about the second 01:51</p> <p>23 part. Then let me break it down. Paragraph 01:51</p> <p>24 73. 01:51</p> <p>25 Did you on October 31st terminate 01:51</p>	<p>1 Paradiso</p> <p>2 Gary Bosetti's employment or did you suspend 01:51</p> <p>3 him pending termination? 01:51</p> <p>4 A. I suspended him pending termination. 01:51</p> <p>5 Q. At any point in time did you ever 01:51</p> <p>6 terminate Gary Bosetti for the Halloween 01:52</p> <p>7 incident? 01:52</p> <p>8 A. No. 01:52</p> <p>9 Q. Based upon what you know, did Gary 01:52</p> <p>10 Bosetti brutalize civilians at Houser's that 01:52</p> <p>11 morning? 01:52</p> <p>12 MR. GOODSTADT: Objection. 01:52</p> <p>13 A. Based on what I knew then? 01:52</p> <p>14 Q. No, based on what you know now. 01:52</p> <p>15 A. No, I don't believe he did. 01:52</p> <p>16 Q. Okay. Now, based upon what you knew 01:52</p> <p>17 then, did he engage in brutalizing a civilian? 01:52</p> <p>18 And when I say "then," I mean on the morning of 01:52</p> <p>19 the 31st. 01:52</p> <p>20 A. Based on the information I had 01:52</p> <p>21 gotten from the people when they got back and 01:52</p> <p>22 without any other information to the contrary, 01:52</p> <p>23 I felt that he was -- he acted improperly as 01:52</p> <p>24 for a police officer working for my department. 01:52</p> <p>25 Q. And then subsequently once you got 01:52</p>
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<p>1 Paradiso</p> <p>2 more information your opinion changed? 01:52</p> <p>3 A. Yes. 01:52</p> <p>4 Q. And you believe he acted 01:52</p> <p>5 appropriately? 01:53</p> <p>6 A. I believe he intervened, as I would 01:53</p> <p>7 hope any of my officers would have, and, 01:53</p> <p>8 outmanned, he took whatever actions he seen 01:53</p> <p>9 necessary to protect himself once he was being 01:53</p> <p>10 attacked. 01:53</p> <p>11 Q. You said "outmanned"? 01:53</p> <p>12 A. Yes. 01:53</p> <p>13 Q. Now, let's look at the second 01:53</p> <p>14 sentence. "After demanding Bosetti's shield 01:53</p> <p>15 and sidearm." 01:53</p> <p>16 Do you recall ever demanding 01:53</p> <p>17 Bosetti's shield and sidearm in that telephone 01:53</p> <p>18 conversation that day? 01:53</p> <p>19 A. I don't remember it, but if I 01:53</p> <p>20 suspended him, I would have wanted his shield 01:53</p> <p>21 and sidearm back. 01:53</p> <p>22 Q. Did you offer Bosetti the 01:53</p> <p>23 opportunity to submit a resignation letter on 01:53</p> <p>24 October 31st, 2004? 01:53</p> <p>25 A. I don't recall that. 01:53</p>	<p>1 Paradiso</p> <p>2 Q. Okay. Let's look at paragraph 75. 01:53</p> <p>3 Did Officer Carter ever -- 01:53</p> <p>4 A. Let me read it first, please. 01:53</p> <p>5 Q. Sure. Read it and tell me when you 01:54</p> <p>6 are done. 01:54</p> <p>7 (Document review.) 01:54</p> <p>8 A. Okay. 01:54</p> <p>9 Q. Did Officer Carter ever advise you 01:54</p> <p>10 that Hesse referred to Snyder's report as a 01:54</p> <p>11 piece of shit? 01:54</p> <p>12 A. I don't recall that. 01:54</p> <p>13 Q. Did Officer Snyder ever advise you 01:54</p> <p>14 that Hesse told him concerning the 01:54</p> <p>15 investigation that he needed to protect Bosetti 01:54</p> <p>16 rather than the victims? 01:54</p> <p>17 A. I don't recall that either. 01:54</p> <p>18 Q. Did Fiorillo ever advise you that 01:54</p> <p>19 Hesse told him that he needed to protect the 01:54</p> <p>20 Bosettis rather than the victims? 01:54</p> <p>21 A. I don't recall that. 01:55</p> <p>22 Q. Let's look at paragraph 76 and then 01:55</p> <p>23 tell me when you are done reading. 01:55</p> <p>24 A. Okay. 01:55</p> <p>25 (Document review.) 01:55</p>

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<p>1 Paradiso</p> <p>2 A. Okay. 01:55</p> <p>3 Q. All right. Plaintiffs start off by 01:55</p> <p>4 alleging in paragraph 76 the following. "Hesse 01:55</p> <p>5 then directed an uncertified OBPD officer John 01:55</p> <p>6 "Pat" Cherry, who was not on duty and did not 01:55</p> <p>7 witness the fight at Houser's, to investigate 01:55</p> <p>8 the incident." Do you see that? 01:55</p> <p>9 A. Yes. 01:55</p> <p>10 Q. Now, you were aware that Pat Cherry 01:55</p> <p>11 was doing the -- taking statements; correct? 01:56</p> <p>12 A. Yes. 01:56</p> <p>13 Q. And you believe that was I think you 01:56</p> <p>14 said a marvelous decision? 01:56</p> <p>15 A. Yes. 01:56</p> <p>16 MR. GOODSTADT: Objection. 01:56</p> <p>17 Q. That's because Mr. Cherry was an 01:56</p> <p>18 experienced police officer in the homicide 01:56</p> <p>19 department for New York City? 01:56</p> <p>20 A. Nassau County. 01:56</p> <p>21 Q. Nassau County, and that, in your 01:56</p> <p>22 opinion, he had taken at least hundreds, if not 01:56</p> <p>23 thousands of witness statements? 01:56</p> <p>24 A. Yes. 01:56</p> <p>25 Q. Now, let's assume that Mr. Cherry 01:56</p>	<p>1 Paradiso</p> <p>2 was an uncertified OBPD officer at the time. 01:56</p> <p>3 In your opinion, did that make him 01:56</p> <p>4 unqualified to take witness statements as part 01:56</p> <p>5 of this investigation? 01:56</p> <p>6 A. No. 01:56</p> <p>7 Q. And why is that? 01:56</p> <p>8 A. He had a career of taking witness 01:56</p> <p>9 statements. He -- Pat was a career police 01:56</p> <p>10 officer. He was -- in my opinion he -- his 01:56</p> <p>11 reputation was beyond reproach and I thought 01:57</p> <p>12 that he would do a very competent job of taking 01:57</p> <p>13 the witness statements. 01:57</p> <p>14 Q. Now, within this particular 01:57</p> <p>15 allegation that I have just read, the 01:57</p> <p>16 plaintiffs emphasize that Mr. Cherry did not 01:57</p> <p>17 witness the fight at Houser's. Do you see 01:57</p> <p>18 that? 01:57</p> <p>19 A. Yes. 01:57</p> <p>20 Q. Does one need to have been an 01:57</p> <p>21 eyewitness to an event to investigate that 01:57</p> <p>22 event? 01:57</p> <p>23 A. Very rarely do officers eyewitness 01:57</p> <p>24 events at bar fights. 01:57</p> <p>25 Q. So it would be the exception that an 01:57</p>
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<p>1 Paradiso</p> <p>2 officer who had actually eyewitnessed an event 01:57</p> <p>3 investigate that event; correct? 01:57</p> <p>4 A. Yes. 01:57</p> <p>5 Q. Stated differently, it's actually 01:57</p> <p>6 the common practice that someone 01:57</p> <p>7 investigates -- a police officer investigates 01:57</p> <p>8 an incident who did not eyewitness that 01:57</p> <p>9 incident; correct? 01:57</p> <p>10 A. Yes. 01:57</p> <p>11 Q. And, in fact, no officer other than 01:58</p> <p>12 the Bosettis had arguably eyewitnessed the 01:58</p> <p>13 events that evening; correct? 01:58</p> <p>14 A. Correct. 01:58</p> <p>15 Q. So if plaintiffs' allegations are 01:58</p> <p>16 taken to the logical end, no one could -- other 01:58</p> <p>17 than the Bosettis could have investigated the 01:58</p> <p>18 incident because no officer had eyewitnessed 01:58</p> <p>19 the event? 01:58</p> <p>20 MR. GOODSTADT: Objection. 01:58</p> <p>21 Q. Would you agree with me? 01:58</p> <p>22 MR. GOODSTADT: Objection. 01:58</p> <p>23 A. Could you repeat that question. 01:58</p> <p>24 Q. Well, it seems like the plaintiffs 01:58</p> <p>25 are complaining that Mr. Cherry should not have 01:58</p>	<p>1 Paradiso</p> <p>2 investigated the incident in part because he 01:58</p> <p>3 did not witness the incident; right? 01:58</p> <p>4 MR. GOODSTADT: Objection. 01:58</p> <p>5 A. It doesn't state -- I don't think it 01:58</p> <p>6 says that he shouldn't have took the statements 01:58</p> <p>7 because he wasn't there. It's just that they 01:58</p> <p>8 were stating that he wasn't there. 01:58</p> <p>9 Q. Okay. Let's then move on to the 01:58</p> <p>10 next sentence. "Cherry conducted a sham 01:58</p> <p>11 investigation." 01:58</p> <p>12 As chief of police based upon your 01:58</p> <p>13 observations and your review of the materials 01:59</p> <p>14 concerning the investigation undertaken by 01:59</p> <p>15 Mr. Hesse and Mr. Cherry, in your opinion did 01:59</p> <p>16 Mr. Cherry conduct a sham investigation? 01:59</p> <p>17 A. No, he did not. 01:59</p> <p>18 Q. To your knowledge, has anyone other 01:59</p> <p>19 than these five plaintiffs accused Mr. Cherry 01:59</p> <p>20 and Mr. Hesse of conducting a sham 01:59</p> <p>21 investigation? 01:59</p> <p>22 A. No. 01:59</p> <p>23 Q. Let's continue. After the word 01:59</p> <p>24 "sham investigation" the plaintiffs then go on 01:59</p> <p>25 to say: "That included consulting with some of 01:59</p>

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<p>1 Paradiso</p> <p>2 Hesse's friends who had been at Houser's bar on 01:59</p> <p>3 the night of October 30th and morning of 01:59</p> <p>4 October 31st and asking these individuals to 01:59</p> <p>5 submit false and misleading statements 01:59</p> <p>6 concerning the events surrounding the fight and 01:59</p> <p>7 the fight itself." 01:59</p> <p>8 Have you ever been advised through 01:59</p> <p>9 any source, whether it be rumor, hearsay or 01:59</p> <p>10 personal knowledge, that either Mr. Hesse or 02:00</p> <p>11 Mr. Cherry ever asked any witness to provide a 02:00</p> <p>12 false or misleading statement? 02:00</p> <p>13 A. No. 02:00</p> <p>14 Q. Based upon your review of the 02:00</p> <p>15 information that was ascertained by Mr. Cherry 02:00</p> <p>16 and Mr. Hesse, in your opinion, did any witness 02:00</p> <p>17 provide false or misleading statements? 02:00</p> <p>18 MR. GOODSTADT: Objection. 02:00</p> <p>19 A. No. Well, that's not true. I'm 02:00</p> <p>20 sorry. 02:00</p> <p>21 Q. Who? 02:00</p> <p>22 A. It would seem that the people I 02:00</p> <p>23 initially -- 02:00</p> <p>24 THE COURT REPORTER: I can't hear 02:00</p> <p>25 you. 02:00</p>	<p>1 Paradiso</p> <p>2 A. I said no, that's not true. It 02:00</p> <p>3 seemed that the people that I initially talked 02:00</p> <p>4 to that morning gave false and misleading 02:00</p> <p>5 statements. 02:00</p> <p>6 Q. You mean the alleged victims? 02:00</p> <p>7 A. The alleged victims. 02:00</p> <p>8 Q. The ones that the plaintiffs had 02:00</p> <p>9 interviewed that evening? 02:00</p> <p>10 A. Yes. 02:00</p> <p>11 Q. Now, they make reference in the same 02:00</p> <p>12 paragraph 76 to the following. "Upon 02:00</p> <p>13 information and belief Cherry and Hesse 02:01</p> <p>14 ratified these false statements to cover up the 02:01</p> <p>15 Bosetti brothers' involvement in the Halloween 02:01</p> <p>16 incident and by attempting to shift blame to 02:01</p> <p>17 the victims." Do you see that? 02:01</p> <p>18 A. Yes. 02:01</p> <p>19 Q. Would it be fair to say that at 02:01</p> <p>20 least as to those alleged victims that pled 02:01</p> <p>21 guilty to certain violations or crimes months 02:01</p> <p>22 later, that they did, in fact, accept blame for 02:01</p> <p>23 the events that took place? 02:01</p> <p>24 MR. GOODSTADT: Objection. 02:01</p> <p>25 A. It would seem so. 02:01</p>
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<p>1 Paradiso</p> <p>2 Q. "They" being the alleged victims? 02:01</p> <p>3 A. Yes. 02:01</p> <p>4 Q. Paragraph 77. "Plaintiffs allege 02:01</p> <p>5 that Officers Fiorillo, Lamm and Snyder 02:01</p> <p>6 received no further information on the 02:01</p> <p>7 investigation from Hesse or Officers Cherry, 02:01</p> <p>8 Richard Bosetti or Gary Bosetti." 02:01</p> <p>9 Putting aside the Bosetti brothers 02:01</p> <p>10 for a second, would it have been the 02:01</p> <p>11 requirement of Hesse and Cherry to advise 02:01</p> <p>12 Fiorillo, Lamm and Snyder of the investigation 02:01</p> <p>13 that was taking place? 02:01</p> <p>14 A. It wouldn't have been a requirement, 02:01</p> <p>15 no. 02:02</p> <p>16 Q. Did Fiorillo, Lamm or Snyder inquire 02:02</p> <p>17 with you at all as to how the investigation was 02:02</p> <p>18 going? 02:02</p> <p>19 A. I don't recall that they did. 02:02</p> <p>20 Q. Did Fiorillo, Lamm or Snyder ever 02:02</p> <p>21 ask you if the investigation had ended? 02:02</p> <p>22 A. I don't recall. 02:02</p> <p>23 Q. Did Fiorillo, Lamm or Snyder ever 02:02</p> <p>24 ask you what the results of the investigation 02:02</p> <p>25 were? 02:02</p>	<p>1 Paradiso</p> <p>2 A. I don't remember. 02:02</p> <p>3 Q. In paragraph 78 -- withdrawn. 02:02</p> <p>4 Please read paragraph 78 to yourself 02:02</p> <p>5 and then tell me when you are done reading it. 02:02</p> <p>6 (Document review.) 02:02</p> <p>7 A. Okay. 02:03</p> <p>8 Q. Very simple, sir. Did Mr. Fiorillo 02:03</p> <p>9 ever advise you that it was his belief that 02:03</p> <p>10 Hesse was asking him to engage in a cover-up 02:03</p> <p>11 concerning the incidents on Halloween? 02:03</p> <p>12 A. I don't remember him saying that. 02:03</p> <p>13 Q. Would you agree with me, sir, that 02:03</p> <p>14 you would have expected Mr. Fiorillo to 02:03</p> <p>15 communicate that to you if, in fact, Mr. Hesse 02:03</p> <p>16 had asked him to engage in a cover-up? 02:03</p> <p>17 A. Yes. 02:03</p> <p>18 Q. Let's turn to the next page. 02:03</p> <p>19 Paragraph 82, I will ask you to read 02:03</p> <p>20 that and then tell me when you are done. 02:03</p> <p>21 (Document review.) 02:03</p> <p>22 A. Okay. 02:04</p> <p>23 Q. Did Mr. Lamm ever advise you in any 02:04</p> <p>24 manner that Hesse asked him to engage in a 02:04</p> <p>25 cover-up concerning the events of Halloween? 02:04</p>

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<p>1 Paradiso</p> <p>2 expression now, did he ever advise you that he 02:09</p> <p>3 felt he was being singled out by Mr. Hesse? 02:09</p> <p>4 A. I don't believe so. 02:09</p> <p>5 Q. Same question with regard to 02:09</p> <p>6 Mr. Snyder? 02:09</p> <p>7 A. I don't believe so. 02:09</p> <p>8 Q. Mr. Carter? 02:09</p> <p>9 A. No. 02:09</p> <p>10 Q. Mr. Nofi? 02:09</p> <p>11 A. No. 02:09</p> <p>12 Q. Did Mr. Fiorillo ever advise you 02:09</p> <p>13 that he believed that something Mr. Hesse was 02:09</p> <p>14 engaged in put the public at risk? 02:09</p> <p>15 A. I don't recall anything like that. 02:09</p> <p>16 Q. Same question with regard to 02:09</p> <p>17 Mr. Snyder. 02:09</p> <p>18 A. I don't recall that either. 02:09</p> <p>19 Q. Lamm? 02:09</p> <p>20 A. No. 02:09</p> <p>21 Q. Nofi? 02:09</p> <p>22 A. No. 02:09</p> <p>23 Q. Carter? 02:09</p> <p>24 A. No. 02:09</p> <p>25 MR. NOVIKOFF: I may only have about 02:10</p>	<p>1 Paradiso</p> <p>2 fifteen or twenty more minutes. I just 02:10</p> <p>3 want to go through my notes from yesterday. 02:10</p> <p>4 THE WITNESS: Okay. 02:10</p> <p>5 Q. You mentioned that you spoke to Ed 02:10</p> <p>6 Carter a couple of times concerning this 02:10</p> <p>7 lawsuit; is that correct? 02:10</p> <p>8 A. Yes. 02:10</p> <p>9 Q. What specifically do you recall 02:10</p> <p>10 Mr. Carter saying to you on these occasions? 02:10</p> <p>11 A. One time I was in front of my house. 02:10</p> <p>12 He had stopped by. I was outside, I don't 02:10</p> <p>13 know, washing my car or mowing or something, 02:11</p> <p>14 and it had already come out in the news that -- 02:11</p> <p>15 about the lawsuit and everything and I asked 02:11</p> <p>16 him how he was doing and he had said that he 02:11</p> <p>17 had been -- his promotion to lieutenant had 02:11</p> <p>18 been held back because of something that was 02:11</p> <p>19 said about why he was terminated at Ocean 02:11</p> <p>20 Beach. 02:11</p> <p>21 Q. And did he say it was something that 02:11</p> <p>22 Hesse said about him? 02:11</p> <p>23 A. Yes. 02:11</p> <p>24 Q. Did he tell you what Hesse said? 02:11</p> <p>25 A. That he was caught sleeping on the 02:11</p>
Page 545	Page 546
<p>1 Paradiso</p> <p>2 job. 02:11</p> <p>3 Q. And did Carter tell you who told him 02:11</p> <p>4 this? 02:11</p> <p>5 A. I don't remember. 02:11</p> <p>6 Q. Okay. Anything else you recall 02:11</p> <p>7 Carter saying to you about this lawsuit? 02:11</p> <p>8 A. He asked me if I would be willing to 02:12</p> <p>9 come and testify about how I felt about him as 02:12</p> <p>10 a police officer while he worked for me. 02:12</p> <p>11 Q. Okay. And your answer to him was? 02:12</p> <p>12 A. I had no problem at all. 02:12</p> <p>13 Q. Okay. And is that the sum and 02:12</p> <p>14 substance of your conversations with Carter? 02:12</p> <p>15 A. To the best of my memory. 02:12</p> <p>16 Q. Okay. And you also mentioned that 02:12</p> <p>17 all five of these plaintiffs -- and I'm sure 02:12</p> <p>18 among many others, many former police officers, 02:12</p> <p>19 came to see you when your mother passed away? 02:12</p> <p>20 A. Actually, they were the only five. 02:12</p> <p>21 Q. They were the only five? 02:12</p> <p>22 A. Yes. And they came to my house 02:12</p> <p>23 because they felt that it would cause a problem 02:12</p> <p>24 if they came to the service because of other 02:12</p> <p>25 people from the Village that might be there, 02:12</p>	<p>1 Paradiso</p> <p>2 but it turned out that no one else from the 02:12</p> <p>3 Village ever came. 02:12</p> <p>4 Q. Do you want to take a couple of 02:12</p> <p>5 minutes? 02:12</p> <p>6 A. I'm fine. 02:12</p> <p>7 Q. Did you discuss this lawsuit with 02:12</p> <p>8 them during this time at your house? 02:13</p> <p>9 A. No. 02:13</p> <p>10 Q. Okay. You mentioned that you spoke 02:13</p> <p>11 with Tom Snyder a couple of times in front of 02:13</p> <p>12 your house. Do you recall that? 02:13</p> <p>13 A. Yeah, in front of a different house, 02:13</p> <p>14 the house I am living at now. 02:13</p> <p>15 Q. Do you recall the sum and substance 02:13</p> <p>16 of any of those conversations concerning this 02:13</p> <p>17 lawsuit? 02:13</p> <p>18 A. They were conversations, but they 02:13</p> <p>19 weren't really concerning the lawsuit. My 02:13</p> <p>20 neighbor across the street was installing a 02:13</p> <p>21 pool and the woman that lived around the corner 02:13</p> <p>22 from him had a problem with him installing the 02:13</p> <p>23 pool so would constantly call the town and 02:13</p> <p>24 complain about whatever. He had all his 02:13</p> <p>25 permits and everything in place, but every time 02:13</p>

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<p>1 Paradiso</p> <p>2 there is a complaint, someone had to go and 02:13</p> <p>3 investigate, and a couple of times it fell to 02:13</p> <p>4 Tom to come by and see what was going on, so I 02:13</p> <p>5 would walk over and ask him how he was doing, 02:13</p> <p>6 how everything was going, if his thing had 02:13</p> <p>7 gotten settled yet. He said it was going to 02:13</p> <p>8 take a long time to get settled, it's just 02:14</p> <p>9 really starting, and, you know, and he had said 02:14</p> <p>10 that he appreciated that I was willing to come 02:14</p> <p>11 and testify on his behalf to what kind of an 02:14</p> <p>12 officer he was and how I felt about him and the 02:14</p> <p>13 rest of the guys that worked for me. 02:14</p> <p>14 Q. Mr. Goodstadt may have asked you 02:14</p> <p>15 this question and I may have asked you this 02:14</p> <p>16 morning. If I did, I apologize. 02:14</p> <p>17 Did you ever come to learn of any 02:14</p> <p>18 officers, any seasonal officers of Ocean Beach 02:14</p> <p>19 who did not know the police codes? 02:14</p> <p>20 A. No. 02:14</p> <p>21 Q. Back to the Halloween incident for 02:15</p> <p>22 just a couple more questions, you testified on 02:15</p> <p>23 Monday that in response to a question of 02:15</p> <p>24 Mr. Goodstadt that it didn't make sense for 02:15</p> <p>25 Gary Bosetti to disappear. Do you recall that? 02:15</p>	<p>1 Paradiso</p> <p>2 A. I think so. 02:15</p> <p>3 Q. What if he was in shock from a 02:15</p> <p>4 physical injury, would that change your 02:15</p> <p>5 opinion? 02:16</p> <p>6 MR. GOODSTADT: Objection. 02:16</p> <p>7 A. If he was in shock from a physical 02:16</p> <p>8 injury, he should have asked -- came to the 02:16</p> <p>9 police station and asked for medical attention. 02:16</p> <p>10 Q. Is it common sometimes for people in 02:16</p> <p>11 shock not to do that which one would expect to 02:16</p> <p>12 do? 02:16</p> <p>13 MR. GOODSTADT: Objection. Is that 02:16</p> <p>14 his medical opinion? 02:16</p> <p>15 MR. NOVIKOFF: I am just asking a 02:16</p> <p>16 question. If you have an objection, that's 02:16</p> <p>17 fine. 02:16</p> <p>18 MR. GOODSTADT: I do have an 02:16</p> <p>19 objection. 02:16</p> <p>20 MR. NOVIKOFF: Okay. 02:16</p> <p>21 A. Do you know what the medical 02:16</p> <p>22 definition of shock is? 02:16</p> <p>23 Q. No, I don't. 02:16</p> <p>24 A. Okay. When a person is suffering 02:16</p> <p>25 from shock, their heart starts to race, their 02:16</p>
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<p>1 Paradiso</p> <p>2 respirations increase. They can have a 02:16</p> <p>3 multitude of different medical problems that 02:16</p> <p>4 start to elicit. Depending on what's causing 02:16</p> <p>5 the shock, it could be metabolic shock, it 02:17</p> <p>6 could be hemorrhagic shock, it could be a -- 02:17</p> <p>7 it's a life -- serious life-threatening event. 02:17</p> <p>8 It could be -- sometimes they can compensate 02:17</p> <p>9 for it. Other times it's uncompensatable and 02:17</p> <p>10 they can die from it. So depending on the 02:17</p> <p>11 extent of his injuries -- if he got hit in the 02:17</p> <p>12 head, he could be suffering from neurogenic 02:17</p> <p>13 shock and he would have had to have been 02:17</p> <p>14 hospitalized. If you talking about just being 02:17</p> <p>15 scared or in -- shocking, that's a different 02:17</p> <p>16 story. So as far as I was aware, he didn't 02:17</p> <p>17 seek any medical attention immediately 02:18</p> <p>18 thereafter and he didn't tell me on the phone 02:18</p> <p>19 that he was on his way to the hospital, so I 02:18</p> <p>20 don't think he was suffering from a form of 02:18</p> <p>21 shock personally. 02:18</p> <p>22 Q. Okay. But if he was, would that 02:18</p> <p>23 perhaps explain why he didn't stay around the 02:18</p> <p>24 station? 02:18</p> <p>25 MR. GOODSTADT: Objection. 02:18</p>	<p>1 Paradiso</p> <p>2 Q. I mean stay around Houser's bar. 02:18</p> <p>3 A. It could be one explanation. 02:18</p> <p>4 Q. Okay. 02:18</p> <p>5 MR. NOVIKOFF: I'm done. Thank you 02:19</p> <p>6 very much. 02:19</p> <p>7 THE WITNESS: Thank you. 02:19</p> <p>8 EXAMINATION BY 02:19</p> <p>9 MR. CONNOLLY: 02:19</p> <p>10 Q. Good afternoon, Mr. Paradiso. 02:19</p> <p>11 A. Could you just tell me your name 02:19</p> <p>12 again? 02:19</p> <p>13 Q. It's Kevin Connolly and I represent 02:19</p> <p>14 George Hesse as a defendant in this case. 02:19</p> <p>15 Had any of the plaintiffs in this 02:19</p> <p>16 action ever had a conversation with you where 02:19</p> <p>17 they told you they were going to commence a 02:19</p> <p>18 lawsuit against the Village prior to you 02:19</p> <p>19 learning that a lawsuit was commenced against 02:19</p> <p>20 the Village? 02:19</p> <p>21 A. It's possible, but I don't remember 02:19</p> <p>22 an exact conversation. 02:20</p> <p>23 Q. Who would you have had the 02:20</p> <p>24 conversation with? 02:20</p> <p>25 MR. GOODSTADT: Objection. 02:20</p>

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<p>1 Paradiso</p> <p>2 Q. Which particular plaintiff? 02:20</p> <p>3 MR. GOODSTADT: Objection. 02:20</p> <p>4 Q. If such a conversation actually 02:20</p> <p>5 occurred. 02:20</p> <p>6 A. I don't exactly remember the 02:20</p> <p>7 conversation, so I couldn't tell you who it 02:20</p> <p>8 would have been with. I guess it would have 02:20</p> <p>9 been with one of the five of them. 02:20</p> <p>10 Q. Other than speaking with plaintiff 02:20</p> <p>11 counsel's office in connection with the 02:20</p> <p>12 arrangements for this deposition, have you 02:20</p> <p>13 spoken to anybody from that office in regards 02:20</p> <p>14 to the lawsuit? 02:20</p> <p>15 A. Other than his -- other than -- it's 02:20</p> <p>16 Andrew, right? 02:20</p> <p>17 MR. GOODSTADT: Yes. 02:20</p> <p>18 Q. Other than Mr. Goodstadt's office in 02:20</p> <p>19 connection with making arrangements for you to 02:20</p> <p>20 appear here. 02:21</p> <p>21 A. I think I spoke with someone from 02:21</p> <p>22 your office a long time -- a while ago. 02:21</p> <p>23 MR. GOODSTADT: When you say "your 02:21</p> <p>24 office," you are referring to 02:21</p> <p>25 Mr. Novikoff's office? 02:21</p>	<p>1 Paradiso</p> <p>2 A. Yes, I think so. They were calling 02:21</p> <p>3 because they wanted to have me come in for a 02:21</p> <p>4 deposition and they said "just to let you know, 02:21</p> <p>5 you are entitled to an attorney," and I said, 02:21</p> <p>6 "well, if I'm entitled to an attorney, I think 02:21</p> <p>7 I should have an attorney." He goes, "well, we 02:21</p> <p>8 can't be your attorney. You could hire your 02:21</p> <p>9 own attorney." I said, "well, if I am being 02:21</p> <p>10 asked questions as the chief of police for a 02:21</p> <p>11 time period when I was the chief of police, I 02:21</p> <p>12 think the Village of Ocean Beach should be 02:21</p> <p>13 supplying me with an attorney," and the person 02:21</p> <p>14 from the office said, well, they can't make 02:21</p> <p>15 that request for me. I would have to make that 02:21</p> <p>16 request for myself. And then I said, "well, 02:21</p> <p>17 okay," so then I made the request for myself in 02:22</p> <p>18 writing. Then they called again and they asked 02:22</p> <p>19 when I would be available. I told them that I 02:22</p> <p>20 had a lot on my plate, that I wouldn't be 02:22</p> <p>21 available until after the 13th -- 15th of July 02:22</p> <p>22 and had they heard from the Village whether or 02:22</p> <p>23 not they were going to give me an attorney. 02:22</p> <p>24 And they said, "well, you have to talk to the 02:22</p> <p>25 Village yourself about that." And I think I 02:22</p>
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<p>1 Paradiso</p> <p>2 said, "I thought I asked you to do that," and 02:22</p> <p>3 he repeated again that "you really have to do 02:22</p> <p>4 that on your own." Then they said the week of 02:22</p> <p>5 the 21st of July, what my availability then 02:22</p> <p>6 would be. I said, "well, I guess that Monday 02:22</p> <p>7 I'm available." And they asked, "well, going 02:23</p> <p>8 forward after Monday, what's your available" -- 02:23</p> <p>9 oh, they also -- I couldn't come because I was 02:23</p> <p>10 volunteering for the U.S. Open, the golf 02:23</p> <p>11 tournament, and then they had said, well, going 02:23</p> <p>12 forward after if I came in on that Monday, how 02:23</p> <p>13 was I set up to be there for Tuesday, 02:23</p> <p>14 Wednesday, Thursday, Friday, and I said, "are 02:23</p> <p>15 you kidding? I don't anticipate being 02:23</p> <p>16 available more than one day." I go, "I don't 02:23</p> <p>17 see the need to be here for a long time. I'm 02:23</p> <p>18 not involved in the lawsuit and how could this 02:23</p> <p>19 all be -- how can I be this important in this 02:23</p> <p>20 case." 02:23</p> <p>21 Q. Other than conversations with either 02:23</p> <p>22 plaintiff's counsel or Mr. Novikoff's office 02:23</p> <p>23 regarding the scheduling of the deposition, 02:23</p> <p>24 have you spoken to anybody about the facts 02:23</p> <p>25 alleged in the lawsuit? 02:23</p>	<p>1 Paradiso</p> <p>2 A. With their -- with either office? 02:23</p> <p>3 Q. Correct. 02:24</p> <p>4 A. I don't believe so. 02:24</p> <p>5 MR. CONNOLLY: I have no further 02:24</p> <p>6 questions. Thank you. 02:24</p> <p>7 MR. GOODSTADT: I have some 02:24</p> <p>8 questions. 02:24</p> <p>9 FURTHER EXAMINATION BY 02:24</p> <p>10 MR. GOODSTADT: 02:24</p> <p>11 Q. Again, thank you for coming back, 02:24</p> <p>12 Mr. Paradiso. I just have some follow-up 02:24</p> <p>13 questions in connection with some of your 02:24</p> <p>14 testimony today. 02:24</p> <p>15 A. Okay. 02:24</p> <p>16 Q. If you could just turn back to the 02:24</p> <p>17 Complaint, which I believe was marked as 02:24</p> <p>18 Paradiso 18. 02:24</p> <p>19 A. Is that this big packet? 02:24</p> <p>20 Q. It is. 02:24</p> <p>21 A. Okay. 02:24</p> <p>22 Q. Just go back to page 15, which is 02:24</p> <p>23 paragraphs 58 and 59, and this is an allegation 02:24</p> <p>24 regarding an incident -- an allegation that 02:25</p> <p>25 Officer Richard Bosetti gave a domestic abuse 02:25</p>

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<p>1 Paradiso</p> <p>2 victim some wine at the station. Do you recall 02:25</p> <p>3 testifying about that? 02:25</p> <p>4 A. Yes. 02:25</p> <p>5 Q. And I believe you testified that 02:25</p> <p>6 nobody ever complained to you about that 02:25</p> <p>7 incident; is that correct? 02:25</p> <p>8 A. I never heard of it. 02:25</p> <p>9 Q. Never heard of that incident? 02:25</p> <p>10 A. No. 02:25</p> <p>11 Q. So sitting here today is the first 02:25</p> <p>12 time you have heard of that allegation? 02:25</p> <p>13 A. Yes. 02:25</p> <p>14 Q. If that actually occurred, is that 02:25</p> <p>15 something you would have expected that you 02:25</p> <p>16 would have known about? 02:25</p> <p>17 A. Yes. 02:25</p> <p>18 Q. And that's because the police 02:25</p> <p>19 station is small, correct, the police 02:25</p> <p>20 department is small, you would have known about 02:25</p> <p>21 it? 02:25</p> <p>22 A. If something like this took place in 02:25</p> <p>23 the police station, I would expect one of my 02:25</p> <p>24 officers to tell me about it, yes. I wouldn't 02:25</p> <p>25 expect it to have taken place. 02:25</p>	<p>1 Paradiso</p> <p>2 Q. And if it did take place, would that 02:25</p> <p>3 have been something that would have put Richard 02:26</p> <p>4 Bosetti in violation of any policies? 02:26</p> <p>5 (Document review.) 02:26</p> <p>6 A. I'm just rereading it. 02:26</p> <p>7 Q. Okay. Take your time. 02:26</p> <p>8 (Document review.) 02:26</p> <p>9 A. I'm not exactly certain what 02:26</p> <p>10 policies it would have violated, but it -- it's 02:26</p> <p>11 not the officer's job to talk people out of 02:26</p> <p>12 making complaints and you are not supposed to 02:26</p> <p>13 withhold medical attention for somebody who is 02:26</p> <p>14 injured. You call -- the ambulance is on call. 02:26</p> <p>15 These people are on call right there. They 02:26</p> <p>16 come right in and take care of it. The first 02:26</p> <p>17 thing to do would be take care of her injuries 02:26</p> <p>18 and then get the report taken care of. 02:26</p> <p>19 Q. Let's just focus on the claim that 02:27</p> <p>20 Richard Bosetti served wine to an alleged 02:27</p> <p>21 victim of domestic abuse. 02:27</p> <p>22 Would that act of serving wine to a 02:27</p> <p>23 domestic -- to an alleged victim of domestic 02:27</p> <p>24 abuse violate any policies? 02:27</p> <p>25 A. I believe so. 02:27</p>
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<p>1 Paradiso</p> <p>2 Q. In fact, I think you testified that 02:27</p> <p>3 that's one of the policies that are so obvious, 02:27</p> <p>4 you didn't actually need a written policy; 02:27</p> <p>5 correct? 02:27</p> <p>6 A. Probably. 02:27</p> <p>7 Q. If you had evidence that that 02:27</p> <p>8 occurred, would you have terminated Richard 02:27</p> <p>9 Bosetti for doing that? 02:27</p> <p>10 MR. CONNOLLY: Are we speaking about 02:27</p> <p>11 just the wine? 02:27</p> <p>12 Q. Feeding -- serving a glass of wine 02:27</p> <p>13 to someone who came to the station to complain 02:27</p> <p>14 about domestic abuse. 02:27</p> <p>15 MR. NOVIKOFF: Note my objection to 02:27</p> <p>16 the question. 02:27</p> <p>17 A. Yeah, I probably would have had to 02:27</p> <p>18 get rid of him, because it's so off the chart, 02:27</p> <p>19 yeah, I probably would have terminated him. 02:27</p> <p>20 Q. What do you mean by "off the chart"? 02:28</p> <p>21 A. It's just not what you do. It's not 02:28</p> <p>22 a normal course of business. It isn't -- it's 02:28</p> <p>23 not a treatment that you would give somebody 02:28</p> <p>24 who is reporting a problem. You don't give 02:28</p> <p>25 somebody alcohol, first off, in the police 02:28</p>	<p>1 Paradiso</p> <p>2 station. Why would we have alcohol in the 02:28</p> <p>3 police station? Why would an officer think, 02:28</p> <p>4 well, let me give you a glass of wine and see 02:28</p> <p>5 if I can talk you out of this. The person has 02:28</p> <p>6 got injuries. You don't know how bad they are. 02:28</p> <p>7 You don't give somebody any kind of an 02:28</p> <p>8 intoxicant when you don't know what their 02:28</p> <p>9 medical condition is. It just is -- it's wrong 02:28</p> <p>10 on so many different levels. 02:28</p> <p>11 Q. And just so I'm clear for the 02:28</p> <p>12 record, Richard Bosetti never reported to you 02:28</p> <p>13 that he served a glass of wine to someone who 02:28</p> <p>14 came in to complain of domestic abuse; correct? 02:28</p> <p>15 A. No. 02:28</p> <p>16 Q. And if he had, would you expect him 02:28</p> <p>17 to report it to you? 02:28</p> <p>18 A. No. 02:29</p> <p>19 Q. Why not? 02:29</p> <p>20 A. Because he would be an idiot if he 02:29</p> <p>21 reported that he did something like that. 02:29</p> <p>22 Q. Would he be an idiot for actually 02:29</p> <p>23 serving a glass of wine? 02:29</p> <p>24 A. That too. 02:29</p> <p>25 Q. Okay. And if it did happen, would 02:29</p>

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<p>1 Paradiso</p> <p>2 you expect it to have been one of these rumors 02:29</p> <p>3 that you would have heard of that Mr. Novikoff 02:29</p> <p>4 asked you a lot of questions about whether you 02:29</p> <p>5 heard rumors? 02:29</p> <p>6 A. Would I have heard a rumor that 02:29</p> <p>7 he -- 02:29</p> <p>8 Q. Would you think that that would be 02:29</p> <p>9 one of the rumors you would hear at least as a 02:29</p> <p>10 rumor of occurring? 02:29</p> <p>11 MR. NOVIKOFF: Objection to form. 02:29</p> <p>12 A. I don't even know how to answer that 02:29</p> <p>13 question. 02:29</p> <p>14 Q. Let me ask it this way: Would you 02:29</p> <p>15 be surprised -- sitting here today, would you 02:29</p> <p>16 be surprised that you didn't know that 02:29</p> <p>17 something like that happened? 02:29</p> <p>18 MR. NOVIKOFF: Objection. 02:29</p> <p>19 A. After reading all of this, I'm not 02:29</p> <p>20 surprised at anything anymore. 02:29</p> <p>21 Q. The question is a little bit 02:29</p> <p>22 different. The question I am asking is if it 02:29</p> <p>23 actually happened, would you be surprised that 02:29</p> <p>24 you weren't aware of it? 02:29</p> <p>25 A. Yes. 02:29</p>	<p>1 Paradiso</p> <p>2 Q. As surprised as you would be not 02:29</p> <p>3 being aware of all the other stuff that you 02:30</p> <p>4 testified to today that you weren't aware of? 02:30</p> <p>5 MR. NOVIKOFF: Objection. 02:30</p> <p>6 A. You had a lot of chilling stuff that 02:30</p> <p>7 I testified that I wasn't aware of here today. 02:30</p> <p>8 I couldn't rate it all. I would have to sit 02:30</p> <p>9 down with a piece of paper and a pencil. 02:30</p> <p>10 Q. Would this be up there as one of the 02:30</p> <p>11 things that you would be surprised about -- 02:30</p> <p>12 MR. NOVIKOFF: Objection. 02:30</p> <p>13 Q. -- that you didn't know about? 02:30</p> <p>14 MR. NOVIKOFF: Objection. 02:30</p> <p>15 A. Yeah. 02:30</p> <p>16 Q. Is it possible that you knew about 02:30</p> <p>17 this and forgot about it? 02:30</p> <p>18 A. No. No, because if I would have 02:30</p> <p>19 known about it, I would have gotten rid of 02:30</p> <p>20 Richard Bosetti. 02:30</p> <p>21 Q. Is it possible that Hesse knew about 02:30</p> <p>22 it and just didn't tell you? 02:30</p> <p>23 MR. NOVIKOFF: Objection. 02:30</p> <p>24 MR. CONNOLLY: Objection. 02:30</p> <p>25 A. I would find that hard to believe. 02:30</p>
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<p>1 Paradiso</p> <p>2 Q. In your mind this couldn't have 02:30</p> <p>3 happened because you didn't hear about it; 02:30</p> <p>4 right? 02:30</p> <p>5 MR. NOVIKOFF: Objection. 02:30</p> <p>6 A. In my mind? 02:30</p> <p>7 Q. In your opinion. 02:31</p> <p>8 MR. NOVIKOFF: Argumentative. Form. 02:31</p> <p>9 A. As far as I'm concerned, it couldn't 02:31</p> <p>10 have happened. 02:31</p> <p>11 Q. And your opinion that it couldn't 02:31</p> <p>12 have happened, are you certain about that with 02:31</p> <p>13 respect to this incident where Richard Bosetti 02:31</p> <p>14 is alleged to have served a glass of wine to 02:31</p> <p>15 someone who came in who claimed domestic abuse 02:31</p> <p>16 as you are with respect to all the other 02:31</p> <p>17 allegations that you testified to today that 02:31</p> <p>18 you don't think happened? 02:31</p> <p>19 MR. NOVIKOFF: Objection. 02:31</p> <p>20 MR. CONNOLLY: Objection. 02:31</p> <p>21 MR. NOVIKOFF: I don't think he 02:31</p> <p>22 testified he didn't think it happened. I 02:31</p> <p>23 never asked him that, but objection to 02:31</p> <p>24 form. 02:31</p> <p>25 A. Could you repeat the question. 02:31</p>	<p>1 Paradiso</p> <p>2 Q. Yes. You just testified that in 02:31</p> <p>3 your opinion or in your mind, I'm not sure 02:31</p> <p>4 which one you answered with, that the 02:31</p> <p>5 allegation that Richard Bosetti served a glass 02:32</p> <p>6 of wine to an alleged victim of domestic abuse 02:32</p> <p>7 who came to the police station about that 02:32</p> <p>8 issue, in your mind it didn't happen. Is that 02:32</p> <p>9 what you testified to? 02:32</p> <p>10 MR. NOVIKOFF: Objection. 02:32</p> <p>11 Q. I don't want to put words in your 02:32</p> <p>12 mouth. 02:32</p> <p>13 A. I couldn't believe that it happened. 02:32</p> <p>14 Q. Is your belief that it couldn't have 02:32</p> <p>15 happened at the same level of your belief that 02:32</p> <p>16 all the other incidents couldn't have happened 02:32</p> <p>17 that you testified to today? 02:32</p> <p>18 MR. NOVIKOFF: Objection as to form. 02:32</p> <p>19 Mischaracterization of his testimony. 02:32</p> <p>20 A. Pretty much. 02:32</p> <p>21 Q. Now, you testified at the outset of 02:32</p> <p>22 today's deposition for Mr. Novikoff that you 02:32</p> <p>23 were not upset with George Hesse about the fact 02:32</p> <p>24 that you didn't receive a raise and your 02:32</p> <p>25 longevity payment; is that correct? 02:32</p>

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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection. 02:32</p> <p>3 A. It wasn't George Hesse's problem -- 02:32</p> <p>4 fault or problem that I didn't get it. 02:32</p> <p>5 Q. My question was that you weren't 02:33</p> <p>6 upset with George Hesse because of the fact you 02:33</p> <p>7 didn't get it; right? 02:33</p> <p>8 A. No. 02:33</p> <p>9 MR. NOVIKOFF: Note my objection. 02:33</p> <p>10 Q. You didn't testify that you were not 02:33</p> <p>11 upset -- 02:33</p> <p>12 A. No, I was not upset. 02:33</p> <p>13 Q. Okay. So you are not upset with -- 02:33</p> <p>14 MR. NOVIKOFF: But the question -- 02:33</p> <p>15 you mischaracterized the question. It had 02:33</p> <p>16 nothing to do with Hesse. It was with the 02:33</p> <p>17 village. 02:33</p> <p>18 MR. GOODSTADT: But I believe you 02:33</p> <p>19 asked him whether he was upset with Hesse 02:33</p> <p>20 about the fact -- 02:33</p> <p>21 MR. NOVIKOFF: I don't think I ever 02:33</p> <p>22 did, but the testimony will be -- 02:33</p> <p>23 MR. GOODSTADT: The record will 02:33</p> <p>24 reflect. 02:33</p> <p>25 MR. NOVIKOFF: Note my objection to 02:33</p>	<p>1 Paradiso</p> <p>2 the form. 02:33</p> <p>3 Q. Were you upset with anybody in the 02:33</p> <p>4 Ocean Beach Police Department about the fact 02:33</p> <p>5 that you didn't get the raise and the 02:33</p> <p>6 longevity bonus or payment? 02:33</p> <p>7 A. Nobody -- it didn't have anything to 02:33</p> <p>8 do with anybody in the Police Department. 02:33</p> <p>9 Q. And also in response to Mr. Novikoff 02:33</p> <p>10 asked you about, you know, receiving a subpoena 02:33</p> <p>11 from me and the fact that you are here today 02:33</p> <p>12 because my office subpoenaed you and not his; 02:33</p> <p>13 correct? 02:33</p> <p>14 A. I think I received a subpoena from 02:33</p> <p>15 your office also, but I wasn't able to make it. 02:33</p> <p>16 Q. That was going to be my next 02:33</p> <p>17 question. Do you recall receiving a subpoena 02:33</p> <p>18 from Mr. Novikoff's office? 02:33</p> <p>19 A. I think so. Didn't I receive it? 02:33</p> <p>20 You can't answer me, right? I'm sorry. I 02:34</p> <p>21 think so. 02:34</p> <p>22 Q. And, in fact, isn't that subpoena 02:34</p> <p>23 the catalyst to your speaking with Mr. Welch 02:34</p> <p>24 about that you were volunteering at the golf 02:34</p> <p>25 tournament and couldn't make it on the day -- 02:34</p>
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<p>1 Paradiso</p> <p>2 A. Yes. Yes. 02:34</p> <p>3 MR. NOVIKOFF: Objection. Just note 02:34</p> <p>4 my objection. 02:34</p> <p>5 Q. I also believe that you testified 02:34</p> <p>6 that the Village, as part of your lawsuit 02:34</p> <p>7 against the Village, the Village took the 02:34</p> <p>8 opinion or took the position that you were not 02:34</p> <p>9 the chief and, therefore, not entitled to this 02:34</p> <p>10 protection because your Civil Service title was 02:34</p> <p>11 sergeant; is that correct? 02:34</p> <p>12 A. That was part of the argument that 02:34</p> <p>13 they made. 02:34</p> <p>14 Q. Do you know what George Hesse's 02:34</p> <p>15 Civil Service title is? 02:34</p> <p>16 A. Police officer. 02:34</p> <p>17 Q. Do you know whether the Village has 02:34</p> <p>18 ever taken the position that George Hesse is 02:34</p> <p>19 not the chief because his Civil Service title 02:34</p> <p>20 is something below that? 02:34</p> <p>21 MR. NOVIKOFF: Objection to form. 02:34</p> <p>22 A. Actually, they don't list him as 02:34</p> <p>23 chief of police in the police budget. 02:34</p> <p>24 Q. What do they list him as? 02:34</p> <p>25 A. Officer in charge, I think. 02:34</p>	<p>1 Paradiso</p> <p>2 Q. What do you mean by "in the police 02:34</p> <p>3 budget"? Where is that written? 02:35</p> <p>4 A. The police budget -- the Village 02:35</p> <p>5 creates a budget every year, fiscal year, from 02:35</p> <p>6 July 1st to June 30th, and in the course of the 02:35</p> <p>7 budget is everything that -- all their 02:35</p> <p>8 expenditures from beach, lifeguards, to Fire 02:35</p> <p>9 Department, to public safety, and then in the 02:35</p> <p>10 back page is a list of everybody's salaries, 02:35</p> <p>11 what they got paid two years ago, what they got 02:35</p> <p>12 paid last year and what their new pay is going 02:35</p> <p>13 to be, and at what percentage everybody would 02:35</p> <p>14 get their increase. And for the budget of 02:35</p> <p>15 2006/2007 my salary was there from 2005, so it 02:35</p> <p>16 had chief of police, my salary for 2005, my 02:35</p> <p>17 salary for 2006, it had Sergeant Hesse, 02:36</p> <p>18 2005/2006, you know, it would list everybody -- 02:36</p> <p>19 all the full-time employees it would list that. 02:36</p> <p>20 In 2007 they didn't give me the increase, they 02:36</p> <p>21 gave George Hesse the increase, but they did 02:36</p> <p>22 not have him listed as deputy -- acting deputy 02:36</p> <p>23 chief of police. They just had him as George 02:36</p> <p>24 Hesse and my position was changed from chief of 02:36</p> <p>25 police to sergeant. So they noted me after my 02:36</p>

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<p>1 Paradiso</p> <p>2 lawsuit was initiated as the sergeant instead 02:36</p> <p>3 of chief of police. 02:36</p> <p>4 Q. Was that the first time they ever 02:36</p> <p>5 listed you as sergeant in the annual budget? 02:36</p> <p>6 A. Other than when I was a sergeant, 02:36</p> <p>7 yeah. 02:36</p> <p>8 Q. So after you achieved the title of 02:36</p> <p>9 chief of police, were you listed as chief of 02:37</p> <p>10 police all the years in the budget? 02:37</p> <p>11 A. Yes. 02:37</p> <p>12 Q. Do you know what George Hesse was 02:37</p> <p>13 listed when he was sergeant up until that year 02:37</p> <p>14 where he was just listed as George Hesse? 02:37</p> <p>15 A. I think he was listed as full-time 02:37</p> <p>16 officer. 02:37</p> <p>17 Q. Did you receive a pay increase or 02:37</p> <p>18 salary increase in 2006? 02:37</p> <p>19 A. Yes. 02:37</p> <p>20 Q. Do you know whether George Hesse 02:37</p> <p>21 received a salary increase in 2006? 02:37</p> <p>22 A. Yes. 02:37</p> <p>23 Q. I believe you testified before that 02:37</p> <p>24 during your time before you went out on leave 02:37</p> <p>25 in fall of 2005 that sort of the buck stopped 02:37</p>	<p>1 Paradiso</p> <p>2 here in terms of -- the buck stopped with you 02:37</p> <p>3 in terms of setting policy; is that correct? 02:37</p> <p>4 A. Yes. 02:37</p> <p>5 Q. Did you ever delegate any of your 02:37</p> <p>6 supervisory responsibilities? 02:37</p> <p>7 A. Yes. 02:37</p> <p>8 Q. So on the night tour, for example, 02:37</p> <p>9 you delegated George Hesse to be supervisor; 02:38</p> <p>10 correct? 02:38</p> <p>11 A. Right. 02:38</p> <p>12 Q. Did you ever delegate any training 02:38</p> <p>13 responsibilities to George Hesse? 02:38</p> <p>14 A. Yes. 02:38</p> <p>15 Q. And then after September of 2005 02:38</p> <p>16 when you left on medical leave, your title was 02:38</p> <p>17 still chief of police; correct? 02:38</p> <p>18 A. Yes. 02:38</p> <p>19 Q. And that was all the way through 02:38</p> <p>20 your retirement in 2008, August of 2008? 02:38</p> <p>21 A. Well, after I initiated the lawsuit, 02:38</p> <p>22 on anything that was written that came to me, 02:38</p> <p>23 which was only maybe one or two letters, they 02:38</p> <p>24 no longer listed me -- they no longer addressed 02:38</p> <p>25 me as chief of police, because they are in -- 02:38</p>
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<p>1 Paradiso</p> <p>2 they were in court saying that I was never the 02:38</p> <p>3 chief of police. It would be kind of silly for 02:38</p> <p>4 them to sign things chief of police at that 02:38</p> <p>5 point. So although I was technically -- I 02:38</p> <p>6 still had my ID and shield and on the Village 02:38</p> <p>7 website still listed me as chief of police, 02:39</p> <p>8 they no longer addressed me as chief of police. 02:39</p> <p>9 Q. Do you think they were addressing 02:39</p> <p>10 you as something different just to bolster 02:39</p> <p>11 their defense of your lawsuit? 02:39</p> <p>12 MR. NOVIKOFF: Objection. 02:39</p> <p>13 A. Yes. 02:39</p> <p>14 Q. Now, I just want to focus on what 02:39</p> <p>15 your practical -- I understand what your titles 02:39</p> <p>16 were and what you believe your title was and 02:39</p> <p>17 what the village believed your title was, but 02:39</p> <p>18 practically speaking, after September 2005 02:39</p> <p>19 through the time of your retirement, did you 02:39</p> <p>20 set any policy at the village? 02:39</p> <p>21 A. No. 02:39</p> <p>22 Q. Did you set any policy within the 02:39</p> <p>23 department? 02:39</p> <p>24 A. No. 02:39</p> <p>25 Q. Did the buck still stop with you 02:39</p>	<p>1 Paradiso</p> <p>2 after September 2005? 02:39</p> <p>3 A. No. 02:39</p> <p>4 Q. Who took over the role of setting 02:39</p> <p>5 policy after September 2005? 02:39</p> <p>6 MR. NOVIKOFF: Objection. 02:39</p> <p>7 A. I'm not exactly certain once I got 02:39</p> <p>8 hurt who -- whether it was the mayor or if it 02:39</p> <p>9 was George who was creating the policy, because 02:39</p> <p>10 the mayor was the police commissioner, George 02:39</p> <p>11 was still the sergeant, so I'm not certain. 02:39</p> <p>12 Q. So it was either the mayor or George 02:39</p> <p>13 Hesse? 02:40</p> <p>14 A. Yes. 02:40</p> <p>15 Q. Do you know who took on 02:40</p> <p>16 responsibility for hiring and firing after 02:40</p> <p>17 September 2005? 02:40</p> <p>18 A. No. 02:40</p> <p>19 Q. Did you ever terminate any officers 02:40</p> <p>20 when you were the chief of police? 02:40</p> <p>21 A. Yes. Well, I asked for -- I asked 02:40</p> <p>22 people to resign. I asked for resignations. 02:40</p> <p>23 Q. It was like a resignation under the 02:40</p> <p>24 threat of termination? Strike that. 02:40</p> <p>25 If they didn't resign, would you 02:40</p>

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<p>1 Paradiso</p> <p>2 have terminated the people that you were asking 02:40</p> <p>3 to resign? 02:40</p> <p>4 A. I asked them to resign. 02:40</p> <p>5 Q. Who were those officers? 02:40</p> <p>6 A. I asked Brian Butler and Melissa 02:40</p> <p>7 Swift I think her name was. I asked Frank 02:40</p> <p>8 Danalchuz. I asked Lani Aughenbaugh to resign 02:41</p> <p>9 once and then I offered him to return. There 02:41</p> <p>10 might have been others. I can't recall. 02:41</p> <p>11 Q. Why did you ask Brian Butler to 02:41</p> <p>12 resign? 02:41</p> <p>13 A. Brian Butler went through a period 02:41</p> <p>14 of time where he would call in at the last 02:41</p> <p>15 minute for tours and it left us short-handed. 02:42</p> <p>16 Q. Was Brian Butler a full-time officer 02:42</p> <p>17 or part-time officer or seasonal? 02:42</p> <p>18 A. He was a seasonal part-time officer 02:42</p> <p>19 when I had him. 02:42</p> <p>20 Q. Was he ever a full-time officer? 02:42</p> <p>21 A. I'm not -- I don't know. Not while 02:42</p> <p>22 I was chief of police. 02:42</p> <p>23 Q. How often would your tour overlap 02:42</p> <p>24 with George Hesse's tour once you were the 02:42</p> <p>25 chief and he was sergeant? 02:42</p>	<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection. 02:42</p> <p>3 A. It overlapped on Sundays. 02:42</p> <p>4 Q. Sundays only? 02:42</p> <p>5 A. Yes. 02:42</p> <p>6 Q. For how many hours? 02:42</p> <p>7 A. An hour. 02:42</p> <p>8 Q. And would the overlap be when he was 02:42</p> <p>9 coming on and you were getting off? 02:42</p> <p>10 A. Yes. 02:42</p> <p>11 Q. So it was sometime mid afternoon or 02:42</p> <p>12 late afternoon? 02:42</p> <p>13 A. 12 to 4:00 in the afternoon on 02:42</p> <p>14 Sunday. 02:42</p> <p>15 Q. So other than for that one-hour 02:42</p> <p>16 overlap, there were no other tours where the 02:43</p> <p>17 two of you were on the same tour when you were 02:43</p> <p>18 the chief and he was sergeant? 02:43</p> <p>19 A. There might have been others. None 02:43</p> <p>20 of them stand out in my mind. 02:43</p> <p>21 Q. It wasn't a frequent event, though, 02:43</p> <p>22 was it? 02:43</p> <p>23 A. No. 02:43</p> <p>24 Q. So is it possible that some of the 02:43</p> <p>25 things that are alleged in the complaint 02:43</p>
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<p>1 Paradiso</p> <p>2 happened on George's tour, George Hesse's tour 02:43</p> <p>3 that you wouldn't see? 02:43</p> <p>4 MR. NOVIKOFF: Objection. 02:43</p> <p>5 A. Anything that happened on George 02:43</p> <p>6 Hesse's tour that I wasn't -- if I didn't work 02:43</p> <p>7 with him at the same time, I wouldn't have 02:43</p> <p>8 seen. 02:43</p> <p>9 Q. Is it possible that the plaintiffs 02:43</p> <p>10 in this case complained to George Hesse about 02:43</p> <p>11 some of the stuff that you testified to today 02:43</p> <p>12 and that Hesse just didn't bring it to your 02:43</p> <p>13 attention? 02:43</p> <p>14 MR. NOVIKOFF: Objection. 02:43</p> <p>15 MR. CONNOLLY: Objection. 02:43</p> <p>16 A. I don't have any direct knowledge 02:43</p> <p>17 that that ever took place, but anything is 02:44</p> <p>18 possible. 02:44</p> <p>19 Q. Well, is it possible that he just 02:44</p> <p>20 kept things from you? 02:44</p> <p>21 MR. NOVIKOFF: Objection. 02:44</p> <p>22 MR. CONNOLLY: Objection. 02:44</p> <p>23 A. I don't have any knowledge that he 02:44</p> <p>24 did, but anything is possible. 02:44</p> <p>25 Q. Well, you have knowledge that he 02:44</p>	<p>1 Paradiso</p> <p>2 kept at least one thing from you; right? He 02:44</p> <p>3 kept from you the fact that him and Bob Golippi 02:44</p> <p>4 were setting up this union; right? 02:44</p> <p>5 A. Once it happened it wasn't kept from 02:44</p> <p>6 me. It was -- oh, I knew about the union being 02:44</p> <p>7 set up. 02:44</p> <p>8 Q. What didn't you know about that they 02:44</p> <p>9 were doing? 02:44</p> <p>10 A. That they made a deal with the 02:44</p> <p>11 mayor, Puglisi at the time, to be the 02:44</p> <p>12 supervise -- you know, be on call for the 02:44</p> <p>13 weekends when I raised a question about not 02:44</p> <p>14 having any of the full-time officers on the 02:44</p> <p>15 weekends. 02:44</p> <p>16 Q. And he kept that from you, the deal 02:44</p> <p>17 that he was making? 02:44</p> <p>18 MR. NOVIKOFF: Objection. 02:44</p> <p>19 A. I wasn't aware of it until the mayor 02:44</p> <p>20 told me about it. 02:44</p> <p>21 Q. So Hesse made this deal behind your 02:44</p> <p>22 back? 02:44</p> <p>23 MR. NOVIKOFF: Objection. 02:44</p> <p>24 MR. CONNOLLY: Objection. 02:44</p> <p>25 Q. Correct? Is that how you viewed it? 02:44</p>

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<p>1 Paradiso</p> <p>2 A. Rob Golippi and George together made 02:44</p> <p>3 this deal with the mayor. I was out of the 02:45</p> <p>4 loop. 02:45</p> <p>5 Q. Do you know whether the Board of 02:45</p> <p>6 Trustees approved the hiring of Gary and 02:45</p> <p>7 Richard Bosetti? 02:45</p> <p>8 A. I believe they did. 02:45</p> <p>9 Q. What was the process by which they 02:45</p> <p>10 went about approving it? 02:45</p> <p>11 A. You would submit names to the 02:45</p> <p>12 Village manager. The names would be brought up 02:45</p> <p>13 at a board meeting and then at the board 02:45</p> <p>14 meeting the names would be read and the board 02:45</p> <p>15 would vote. 02:45</p> <p>16 Q. Would that happen before or after 02:45</p> <p>17 you actually offered the job to Gary and 02:45</p> <p>18 Richard Bosetti? 02:45</p> <p>19 MR. NOVIKOFF: Objection. 02:45</p> <p>20 A. That would happen after. 02:45</p> <p>21 Q. So you had already offered the job 02:45</p> <p>22 to them? 02:45</p> <p>23 A. Yes. 02:45</p> <p>24 Q. Did you tell them it was pending 02:45</p> <p>25 board approval? 02:45</p>	<p>1 Paradiso</p> <p>2 A. Yes. 02:45</p> <p>3 Q. Who recommended Gary and Richard 02:45</p> <p>4 Bosetti, if anyone, to come work at the Ocean 02:45</p> <p>5 Beach Police Department? 02:45</p> <p>6 A. I'm not certain. I think it might 02:45</p> <p>7 have been Walter Moller. I'm not certain. 02:46</p> <p>8 Q. I believe that you testified before 02:46</p> <p>9 about an incident or at least your lack of 02:46</p> <p>10 knowledge of an incident where Mr. Fiorillo 02:46</p> <p>11 went and had to intervene with an off-duty 02:46</p> <p>12 police officer. Do you recall that incident -- 02:46</p> <p>13 MR. NOVIKOFF: Objection to form. 02:46</p> <p>14 A. I remember -- what we talked about 02:46</p> <p>15 today? 02:46</p> <p>16 Q. Right. 02:46</p> <p>17 MR. NOVIKOFF: Objection. 02:46</p> <p>18 A. I remember testifying about it. 02:46</p> <p>19 Q. If I were to tell you that refers to 02:46</p> <p>20 Walter Moller, would that refresh your 02:46</p> <p>21 recollection? 02:46</p> <p>22 A. No. 02:46</p> <p>23 Q. Did Hesse have a personal friendship 02:46</p> <p>24 with Walter Moller? 02:46</p> <p>25 MR. NOVIKOFF: Objection. 02:46</p>
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<p>1 Paradiso</p> <p>2 MR. CONNOLLY: Objection. 02:46</p> <p>3 A. Yes. 02:46</p> <p>4 Q. They were good friends? 02:46</p> <p>5 MR. NOVIKOFF: Objection. 02:46</p> <p>6 MR. CONNOLLY: Objection. 02:46</p> <p>7 A. They were friends outside of the 02:46</p> <p>8 department. 02:46</p> <p>9 Q. They would take vacations together; 02:46</p> <p>10 do you know? 02:47</p> <p>11 A. Yeah, they took motorcycle trips 02:47</p> <p>12 together. 02:47</p> <p>13 Q. Did George Hesse ever complain to 02:47</p> <p>14 you about any of the five plaintiffs' 02:47</p> <p>15 performance? 02:47</p> <p>16 A. George complained about Frank when 02:47</p> <p>17 he wouldn't wash the windows on the police car, 02:47</p> <p>18 wouldn't wash the police car. Complained about 02:47</p> <p>19 Joe Nofi's handwriting on summonses. I don't 02:47</p> <p>20 recall anything else. 02:47</p> <p>21 Q. Do you know whether Mr. Fiorillo was 02:47</p> <p>22 on duty at the time Mr. Hesse asked him to wash 02:47</p> <p>23 the windows? 02:47</p> <p>24 A. I don't know. 02:47</p> <p>25 Q. Would it be appropriate to ask an 02:47</p>	<p>1 Paradiso</p> <p>2 off-duty officer to wash the police truck? 02:47</p> <p>3 A. You could ask, but you couldn't 02:47</p> <p>4 order. 02:48</p> <p>5 Q. What do you mean by that, "you 02:48</p> <p>6 couldn't order"? 02:48</p> <p>7 A. Well, if someone was off duty and 02:48</p> <p>8 you asked him to do you a favor, that's one 02:48</p> <p>9 thing, but you wouldn't like be upset if he 02:48</p> <p>10 said no. You know, you can't compel somebody 02:48</p> <p>11 that isn't working to do things for you. 02:48</p> <p>12 Q. Now, other than for Joe Nofi's 02:48</p> <p>13 handwriting and Frank Fiorillo's response to 02:48</p> <p>14 not wash the truck, I just want to be clear, 02:48</p> <p>15 did you ever receive any other complaints from 02:48</p> <p>16 George Hesse about their performance, the five 02:48</p> <p>17 plaintiffs' performance? 02:48</p> <p>18 A. Not that I recall. 02:48</p> <p>19 Q. Did you ever receive any complaints 02:48</p> <p>20 from any other police officers at Ocean Beach 02:48</p> <p>21 about the five plaintiffs' performance? 02:48</p> <p>22 A. I know that after the Halloween 02:48</p> <p>23 incident there was tension between the Bosettis 02:48</p> <p>24 and Frank, Tom and Kevin. 02:49</p> <p>25 Q. How do you know that? 02:49</p>

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<p>1 Paradiso</p> <p>2 A. Because if I tried to schedule at 02:49</p> <p>3 least Kevin to work with -- at the same time as 02:49</p> <p>4 the Bosettis were working, he would refuse to 02:49</p> <p>5 work the tour. 02:49</p> <p>6 Q. Kevin did or the Bosettis did? 02:49</p> <p>7 A. Kevin did. 02:49</p> <p>8 Q. Did Kevin explain why he refused to 02:49</p> <p>9 work the tour? 02:49</p> <p>10 A. He just didn't want to work with 02:49</p> <p>11 them. 02:49</p> <p>12 Q. He never told you the reason? 02:49</p> <p>13 A. He didn't go into details. 02:49</p> <p>14 Q. So just going back to my question, 02:49</p> <p>15 did you ever receive any complaints about the 02:49</p> <p>16 five police officers from any of the other 02:49</p> <p>17 police officers in Ocean Beach? 02:49</p> <p>18 A. No. 02:49</p> <p>19 Q. Anyone on the Board of Trustees ever 02:49</p> <p>20 complain about the five plaintiffs' work as 02:49</p> <p>21 police officers? 02:49</p> <p>22 A. No. 02:49</p> <p>23 MR. NOVIKOFF: Objection to form. 02:49</p> <p>24 Q. I believe you testified before that 02:50</p> <p>25 you never received any complaints from the 02:50</p>	<p>1 Paradiso</p> <p>2 Board of Trustees about George Hesse. Is that 02:50</p> <p>3 correct? 02:50</p> <p>4 MR. NOVIKOFF: Objection. I don't 02:50</p> <p>5 know if I ever asked him that. 02:50</p> <p>6 A. I don't think you ever asked that 02:50</p> <p>7 either. 02:50</p> <p>8 MR. NOVIKOFF: Why don't you ask 02:50</p> <p>9 him. 02:50</p> <p>10 MR. GOODSTADT: Well, I asked him -- 02:50</p> <p>11 he has already testified to one complaint 02:50</p> <p>12 he received about George Hesse being that 02:50</p> <p>13 the nights were out of control. 02:50</p> <p>14 Q. Is that correct? 02:50</p> <p>15 MR. CONNOLLY: Objection. 02:50</p> <p>16 MR. NOVIKOFF: Objection. 02:50</p> <p>17 Q. Is that correct? 02:50</p> <p>18 A. Yes. 02:50</p> <p>19 Q. You understood what I am talking 02:50</p> <p>20 about when I say what you testified to about 02:50</p> <p>21 the nights being out of control? 02:50</p> <p>22 A. Yes. 02:50</p> <p>23 Q. Okay. Other than for that, did you 02:50</p> <p>24 receive any other complaints about George 02:50</p> <p>25 Hesse's performance from the board of trustee? 02:50</p>
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<p>1 Paradiso</p> <p>2 A. Mayor Rogers, when there was a 02:50</p> <p>3 lawsuit filed about that guy that jumped over 02:50</p> <p>4 the rope and hit his face, he sued the Village 02:50</p> <p>5 and George Hesse, and Mayor Rogers said why are 02:50</p> <p>6 we getting this complaint about George Hesse. 02:51</p> <p>7 And I said, "well, the guy jumped over a rope. 02:51</p> <p>8 I got witnesses." He goes, "well, I don't like 02:51</p> <p>9 having all these lawsuits," I think she said, 02:51</p> <p>10 and they weren't happy with the fact that they 02:51</p> <p>11 had to defend a lawsuit for police brutality. 02:51</p> <p>12 Q. Any other complaints about George 02:51</p> <p>13 Hesse other than for the two now that you have 02:51</p> <p>14 testified about from the Board of Trustees? 02:51</p> <p>15 A. None that I can recall. 02:51</p> <p>16 Q. Who told you about the board's 02:51</p> <p>17 concern that the nights were out of control 02:51</p> <p>18 under George Hesse's watch? 02:51</p> <p>19 MR. NOVIKOFF: Objection. Certainly 02:51</p> <p>20 beyond the scope of my cross, but I can't 02:51</p> <p>21 stop you from answering. 02:51</p> <p>22 A. It was Mayor Rogers, James Mallott 02:51</p> <p>23 and Scott Hirsch. 02:52</p> <p>24 Q. Was Mayor Rogers an Ocean Beach 02:52</p> <p>25 resident? 02:52</p>	<p>1 Paradiso</p> <p>2 A. Yes. You have to be a resident to 02:52</p> <p>3 be the mayor or a board of trustee member. 02:52</p> <p>4 Q. So James Mallott, Scotty Hirsch and 02:52</p> <p>5 Mayor Rogers all were -- 02:52</p> <p>6 A. All the trustees are. 02:52</p> <p>7 Q. Okay. So before when you testified 02:52</p> <p>8 that you never got a complaint from any Ocean 02:52</p> <p>9 Beach resident about George Hesse, that's not 02:52</p> <p>10 exactly true; right? 02:52</p> <p>11 MR. NOVIKOFF: Objection. 02:52</p> <p>12 Q. These three were residents; correct? 02:52</p> <p>13 A. That's a semantical view of it. 02:52</p> <p>14 When I think of residents, I don't think of 02:52</p> <p>15 Village officials, I think of people that 02:52</p> <p>16 reside in the Village, but not the people who 02:52</p> <p>17 are in charge of the Village. Trustees and the 02:52</p> <p>18 mayor -- a complaint from the trustee or mayor 02:52</p> <p>19 would carry a lot more weight behind it because 02:52</p> <p>20 they are -- they run the village, so I answer 02:53</p> <p>21 to them. 02:53</p> <p>22 Q. Did George Hesse ever complain to 02:53</p> <p>23 you that Kevin Lamm used excessive force? 02:53</p> <p>24 A. I don't recall any incidents where 02:53</p> <p>25 Kevin Lamm used excessive force. 02:53</p>

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<p>1 Paradiso</p> <p>2 Q. So the answer is no, George Hesse 02:53</p> <p>3 never complained to you? 02:53</p> <p>4 A. I would say no. 02:53</p> <p>5 Q. Did George Hesse ever complain to 02:53</p> <p>6 you that any of the plaintiffs used excessive 02:53</p> <p>7 force? 02:53</p> <p>8 A. I don't believe so. 02:53</p> <p>9 Q. Do you know how many times George 02:53</p> <p>10 Hesse has been sued for alleged acts of police 02:53</p> <p>11 brutality? 02:53</p> <p>12 A. Three. 02:53</p> <p>13 Q. And please tell me what three that 02:54</p> <p>14 you are aware of. 02:54</p> <p>15 A. The most recent one. 02:54</p> <p>16 Q. That's the Gilberd case? 02:54</p> <p>17 A. Yes. The guy that jumped over the 02:54</p> <p>18 rope, and there was a third one, but I don't 02:54</p> <p>19 remember the name of the person or really the 02:54</p> <p>20 circumstances around it. 02:54</p> <p>21 Q. And are you aware how the Gilberd 02:54</p> <p>22 case was resolved? 02:54</p> <p>23 MR. NOVIKOFF: I think you told him 02:54</p> <p>24 last time it was settled in part of your 02:54</p> <p>25 question. 02:54</p>	<p>1 Paradiso</p> <p>2 A. Yeah, I read it in the newspaper 02:54</p> <p>3 that he was found not guilty of the charges. 02:54</p> <p>4 Q. How about the civil suit that 02:54</p> <p>5 Gilberd had against the beach? 02:54</p> <p>6 A. The civil suit, I read that was 02:54</p> <p>7 settled for \$600,000. 02:54</p> <p>8 Q. How about the rope case, do you know 02:54</p> <p>9 how that resolved? I don't know if this is the 02:54</p> <p>10 one that I asked you about where you told me 02:54</p> <p>11 there was a confidentiality stip, so I just 02:54</p> <p>12 want to -- 02:54</p> <p>13 A. That's not the one. The rope case, 02:54</p> <p>14 I think -- I don't think there was a 02:55</p> <p>15 settlement. I think it was found to be 02:55</p> <p>16 unwarranted. 02:55</p> <p>17 Q. Did that case go to trial? 02:55</p> <p>18 A. I don't believe so. 02:55</p> <p>19 Q. How about the third case that you 02:55</p> <p>20 don't recall the instance, but do you recall 02:55</p> <p>21 how that case resolved? 02:55</p> <p>22 A. No, I don't. 02:55</p> <p>23 Q. How long ago was the rope case? 02:55</p> <p>24 A. I've been out four years. So eleven 02:55</p> <p>25 years ago, maybe. 02:55</p>
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<p>1 Paradiso</p> <p>2 Q. How long ago was the third case that 02:55</p> <p>3 you don't recall the details of? 02:55</p> <p>4 A. I don't really recall. 02:55</p> <p>5 Q. You testified before that there was 02:55</p> <p>6 a learning curve on how to deal with the public 02:56</p> <p>7 for new officers; is that correct? 02:56</p> <p>8 A. Yeah. They go through a 02:56</p> <p>9 probationary period. It's like a 40 hours of 02:56</p> <p>10 supervised field training. 02:56</p> <p>11 Q. Did any of the five plaintiffs fail 02:56</p> <p>12 to come up the learning curve on how to deal 02:56</p> <p>13 with the public? 02:56</p> <p>14 A. No. 02:56</p> <p>15 Q. Have you ever had any officers in 02:56</p> <p>16 the Ocean Beach Police Department who were 02:56</p> <p>17 unable to come up the learning curve to learn 02:56</p> <p>18 to deal with the public? 02:56</p> <p>19 A. Yes. 02:56</p> <p>20 Q. Who is that? 02:56</p> <p>21 A. That was Frank Danalchuz. 02:56</p> <p>22 Q. Is that the reason why you asked him 02:56</p> <p>23 to resign? 02:56</p> <p>24 A. Yes. 02:56</p> <p>25 Q. Were reviews ever sent, reviews of 02:56</p>	<p>1 Paradiso</p> <p>2 newly-hired police officers, ever sent to 02:56</p> <p>3 Albany? 02:56</p> <p>4 MR. NOVIKOFF: Objection. 02:56</p> <p>5 Q. Do you understand what I am asking? 02:56</p> <p>6 A. Yes. No, the supervised field 02:56</p> <p>7 training booklets that were required after the 02:56</p> <p>8 guys graduate from Police Academy were sent to 02:56</p> <p>9 the Police Academy. 02:57</p> <p>10 Q. And just to go back to the learning 02:57</p> <p>11 curve, how to deal with the public, that wasn't 02:57</p> <p>12 something that was specific to the five 02:57</p> <p>13 plaintiffs, was it? 02:57</p> <p>14 A. No. It was -- 02:57</p> <p>15 MR. NOVIKOFF: Objection. 02:57</p> <p>16 A. No. 02:57</p> <p>17 Q. It was all newly-hired officers 02:57</p> <p>18 would need to get up the learning curve? 02:57</p> <p>19 MR. NOVIKOFF: Objection. 02:57</p> <p>20 A. All those officers that went through 02:57</p> <p>21 the Police Academy that really didn't have any 02:57</p> <p>22 experience in a law enforcement matter, in a 02:57</p> <p>23 law enforcement setting. That's why I said 02:57</p> <p>24 that Tom and Ed didn't have that problem. They 02:57</p> <p>25 were experienced with dealing with the public. 02:57</p>

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<p>1 Paradiso</p> <p>2 Not that the rest of them had a problem. It 02:57</p> <p>3 was that they had already acquired that 02:57</p> <p>4 skillset. 02:57</p> <p>5 Q. Did you ever have any problems with 02:57</p> <p>6 Arnie Hardman's performance as a police 02:58</p> <p>7 officer? 02:58</p> <p>8 MR. NOVIKOFF: Beyond the scope. 02:58</p> <p>9 A. I had to talk to Arnie once about 02:58</p> <p>10 something that he did that I didn't like. 02:58</p> <p>11 Q. Was that being in Seaview while he 02:58</p> <p>12 was on duty? 02:58</p> <p>13 A. No. 02:58</p> <p>14 Q. What did you have to speak with 02:58</p> <p>15 Mr. Hardman about? 02:58</p> <p>16 A. He was going down to the checkpoint 02:58</p> <p>17 to pick up the guys that were coming on duty 02:58</p> <p>18 and he stopped to pick up a civilian to take 02:58</p> <p>19 with him on the trip. 02:58</p> <p>20 Q. Was that somebody by the name of 02:58</p> <p>21 Paula? 02:58</p> <p>22 A. Yes. 02:58</p> <p>23 Q. Did you ever know of Mr. Hardman 02:58</p> <p>24 being outside of the Village while he was on 02:58</p> <p>25 duty to be with Paula? 02:59</p>	<p>1 Paradiso</p> <p>2 A. No. 02:59</p> <p>3 MR. NOVIKOFF: Note my objection. 02:59</p> <p>4 Q. I just want to go back to the issue 02:59</p> <p>5 of certification that came up today. I believe 02:59</p> <p>6 you testified that it was your belief that 02:59</p> <p>7 retired officers in New York City didn't have 02:59</p> <p>8 to go through the certification process to work 02:59</p> <p>9 as a police officer in Suffolk County; is that 02:59</p> <p>10 correct? 02:59</p> <p>11 MR. NOVIKOFF: Note my objection. 02:59</p> <p>12 A. Yes, that's correct. 02:59</p> <p>13 Q. Did you ever ask anybody at Civil 02:59</p> <p>14 Service whether that's the case? 02:59</p> <p>15 A. No. 02:59</p> <p>16 Q. Did anyone at Suffolk County Civil 02:59</p> <p>17 Service ever tell you that to be the case? 02:59</p> <p>18 A. No, actually, when it came to their 02:59</p> <p>19 attention, they recommended that we had to get 02:59</p> <p>20 everybody back in through the certification 02:59</p> <p>21 process. 02:59</p> <p>22 Q. Just so I am clear, no one at 02:59</p> <p>23 Suffolk County ever told you that they wouldn't 02:59</p> <p>24 have to be re-certified if they had worked for 02:59</p> <p>25 the city; correct? 02:59</p>
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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection. 02:59</p> <p>3 A. I never posed the question. 03:00</p> <p>4 Q. Did you ever try to get a waiver for 03:00</p> <p>5 the Bosettis to not have to go through the 03:00</p> <p>6 certification test? 03:00</p> <p>7 MR. NOVIKOFF: Objection. 03:00</p> <p>8 A. I don't believe so. 03:00</p> <p>9 Q. Did you ever tell them that you were 03:00</p> <p>10 going to attempt to get a waiver? 03:00</p> <p>11 A. Tell who? 03:00</p> <p>12 Q. The Bosettis, that you were going to 03:00</p> <p>13 attempt to get a waiver for them to have to go 03:00</p> <p>14 through the tests. 03:00</p> <p>15 A. I don't remember ever saying that. 03:00</p> <p>16 Q. Okay. Now I just want to go back to 03:00</p> <p>17 some testimony you had given earlier today 03:00</p> <p>18 about the dispatchers. 03:00</p> <p>19 I believe you testified that you 03:00</p> <p>20 hired retired police officers or police 03:00</p> <p>21 officers from other jurisdiction to be 03:00</p> <p>22 dispatchers? 03:00</p> <p>23 MR. NOVIKOFF: Objection. 03:00</p> <p>24 Testimony -- 03:00</p> <p>25 Q. Is that correct? 03:00</p>	<p>1 Paradiso</p> <p>2 A. All of my dispatchers were either 03:00</p> <p>3 active city police officers that couldn't work 03:00</p> <p>4 for me because they can't work for another law 03:00</p> <p>5 enforcement agency while they were city police 03:00</p> <p>6 officers, or police officers from other 03:00</p> <p>7 jurisdictions. 03:00</p> <p>8 Q. That's true for every one of them? 03:00</p> <p>9 A. I believe so, yes. 03:00</p> <p>10 Q. Where did Chris Moran work as a 03:01</p> <p>11 police officer? 03:01</p> <p>12 A. Chris Moran didn't work as a 03:01</p> <p>13 dispatcher. Chris Moran worked as a 03:01</p> <p>14 dockmaster. 03:01</p> <p>15 Q. So he was never a dispatcher? 03:01</p> <p>16 A. I don't believe so. 03:01</p> <p>17 Q. Was Chris Moran qualified to be a 03:01</p> <p>18 dispatcher? 03:01</p> <p>19 A. Chris Moran went through the fire 03:01</p> <p>20 academy. He was a member of the New York City 03:01</p> <p>21 Fire Department. But I don't think I hired him 03:01</p> <p>22 as a dispatcher. He worked -- I believe he 03:01</p> <p>23 worked as a dockmaster. 03:01</p> <p>24 Q. When did he go through the fire 03:01</p> <p>25 academy? 03:01</p>

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<p>1 Paradiso</p> <p>2 A. I'm not sure. 03:01</p> <p>3 Q. Okay. I want to focus back in on 03:01</p> <p>4 the issue that you testified to today as well 03:01</p> <p>5 as on Monday about Officer Nofi's claim that he 03:01</p> <p>6 called in a 10-1. 03:02</p> <p>7 Do you recall that testimony you 03:02</p> <p>8 gave or at least the issue? 03:02</p> <p>9 A. I recall the issue, yes. 03:02</p> <p>10 Q. A 10-1, I believe you testified, is 03:02</p> <p>11 a serious radio call; is that correct? 03:02</p> <p>12 A. Yes. 03:02</p> <p>13 Q. Not a common event, I think you 03:02</p> <p>14 testified to? 03:02</p> <p>15 A. Yes. 03:02</p> <p>16 Q. And officers should respond 03:02</p> <p>17 immediately if they hear a 10-1; correct? 03:02</p> <p>18 A. Yes. 03:02</p> <p>19 Q. So if -- assuming for this question 03:02</p> <p>20 that it's true that Joe Nofi called in the 03:02</p> <p>21 10-1, he actually called it in, the officers 03:02</p> <p>22 who were on duty that did not respond, were 03:02</p> <p>23 they neglecting their duties? 03:02</p> <p>24 A. If an officer called in a 10-1 on 03:02</p> <p>25 the radio and they heard it and they didn't 03:02</p>	<p>1 Paradiso</p> <p>2 respond, I would say yes, they neglected their 03:02</p> <p>3 duties. 03:02</p> <p>4 Q. Would that be a terminable offense 03:02</p> <p>5 in your mind? 03:02</p> <p>6 A. It could be. 03:02</p> <p>7 Q. Is that another one of those 03:02</p> <p>8 incidents that if it happened, you are pretty 03:03</p> <p>9 sure that you would have heard about it? 03:03</p> <p>10 A. Yes. 03:03</p> <p>11 Q. You testified that all of your 03:03</p> <p>12 officers knew the ten code. Is that correct? 03:03</p> <p>13 A. Yes. 03:03</p> <p>14 Q. Would it -- would that -- if the 03:03</p> <p>15 officers didn't know the ten code, would that 03:03</p> <p>16 be something also that you would assume you 03:03</p> <p>17 would have heard of or heard about? 03:03</p> <p>18 MR. NOVIKOFF: Objection. Note my 03:03</p> <p>19 objection. 03:03</p> <p>20 A. When the officers are hired, they 03:03</p> <p>21 are given a copy of the ten code. They keep it 03:03</p> <p>22 with them. Some of them would keep it inside 03:03</p> <p>23 their field appearance ticket booklets. There 03:03</p> <p>24 were some ten codes that were used very rarely 03:03</p> <p>25 that after 26 years as a police officer I would 03:03</p>
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<p>1 Paradiso</p> <p>2 have had to check the code card to find out 03:03</p> <p>3 what it was, because we didn't normally use 03:03</p> <p>4 them, but everybody that was out on patrol had 03:04</p> <p>5 a copy of the card and was expected to know and 03:04</p> <p>6 knew the ten codes that we used frequently. 03:04</p> <p>7 Q. But if somebody didn't know the ten 03:04</p> <p>8 codes, and I am not talking about the ones that 03:04</p> <p>9 are never used, I am just talking about 03:04</p> <p>10 generally the ten codes, would that be 03:04</p> <p>11 something that you would assume that you would 03:04</p> <p>12 be aware of? 03:04</p> <p>13 MR. NOVIKOFF: Objection. 03:04</p> <p>14 A. Yes. 03:04</p> <p>15 Q. When I say "know the ten codes," I 03:04</p> <p>16 am not talking about a ten code being called 03:04</p> <p>17 and then the officer having to get back on the 03:04</p> <p>18 radio and say, "hey, what does that mean?" If 03:04</p> <p>19 someone had to do that, you would assume you 03:04</p> <p>20 would have been alerted to that fact? 03:04</p> <p>21 MR. NOVIKOFF: Objection. 03:04</p> <p>22 Q. Again, I am not talking about the 03:04</p> <p>23 rare ten codes. I am talking about ones that 03:04</p> <p>24 are used frequently. 03:04</p> <p>25 MR. NOVIKOFF: Same objection. 03:04</p>	<p>1 Paradiso</p> <p>2 A. Could you repeat the question. 03:04</p> <p>3 Q. Sure. If there was an officer 03:04</p> <p>4 working in the Ocean Beach Police Department 03:04</p> <p>5 who when the ten code would be called over the 03:04</p> <p>6 radio and they frequently had to say "hey, what 03:05</p> <p>7 does that mean," and then whoever called in it 03:05</p> <p>8 in, whether it was dispatcher or command, would 03:05</p> <p>9 have to explain what it meant and that happened 03:05</p> <p>10 on a regular basis, is that one of the things 03:05</p> <p>11 that you think that you would know about? 03:05</p> <p>12 MR. NOVIKOFF: Objection. 03:05</p> <p>13 A. It's one of the things I would have 03:05</p> <p>14 to address with the officer on, making sure 03:05</p> <p>15 that they would find out why -- I would find 03:05</p> <p>16 out why he wasn't aware of what that code 03:05</p> <p>17 meant. 03:05</p> <p>18 Q. And you are not aware of any 03:05</p> <p>19 officers that had that problem; correct? 03:05</p> <p>20 A. No. 03:05</p> <p>21 Q. Would it surprise you to learn that 03:05</p> <p>22 there are officers who had that problem? 03:05</p> <p>23 MR. NOVIKOFF: Note my objection. 03:05</p> <p>24 A. Yes. 03:05</p> <p>25 Q. Why would it surprise you? Because 03:05</p>

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<p>1 Paradiso</p> <p>2 you would assume that you would have heard 03:05</p> <p>3 about that; correct? 03:05</p> <p>4 MR. NOVIKOFF: Objection. 03:05</p> <p>5 MR. CONNOLLY: Objection. 03:05</p> <p>6 A. No, they got the card when they 03:05</p> <p>7 started working. The majority of the guys had 03:05</p> <p>8 training in it. The guys from the city were 03:06</p> <p>9 told what the new codes were. They are not 03:06</p> <p>10 idiots. You know, you are doing the job every 03:06</p> <p>11 day, you use the same codes over and over and 03:06</p> <p>12 over again, so, you know, these guys would have 03:06</p> <p>13 enough time to be able to assimilate new 03:06</p> <p>14 responses to radio codes. 03:06</p> <p>15 Q. I just want to go back to another 03:06</p> <p>16 issue that you testified to today about 03:06</p> <p>17 dockmasters sitting shifts or part of shifts 03:06</p> <p>18 for police officers at the desk. I believe you 03:06</p> <p>19 testified that it was a -- it happened when an 03:06</p> <p>20 officer had to go to the bathroom or had to run 03:06</p> <p>21 out of the station on an emergency. Is that 03:06</p> <p>22 what you testified to? 03:06</p> <p>23 A. Right. 03:06</p> <p>24 Q. Okay. How about in situations where 03:06</p> <p>25 it wasn't a bathroom break or an emergency, did 03:06</p>	<p>1 Paradiso</p> <p>2 that happen where a dockmaster was asked to 03:06</p> <p>3 cover a shift or part of a shift for a police 03:06</p> <p>4 officer who was on duty? 03:06</p> <p>5 A. An eight-hour shift? 03:07</p> <p>6 Q. Either a part of the shift or the 03:07</p> <p>7 whole shift. 03:07</p> <p>8 A. It would be -- it would only be done 03:07</p> <p>9 on a short-term basis, a few minutes while the 03:07</p> <p>10 officer had to step out or if he was responding 03:07</p> <p>11 to an emergency, he had to come in and man the 03:07</p> <p>12 desk while the guy was responding to the 03:07</p> <p>13 emergency. 03:07</p> <p>14 Q. And if it was other than for those 03:07</p> <p>15 short-term periods for the bathroom and 03:07</p> <p>16 emergency where a dockmaster was asked to sit 03:07</p> <p>17 in the office -- in the station to cover a 03:07</p> <p>18 shift, would that be a violation of policy? 03:07</p> <p>19 MR. NOVIKOFF: Objection. 03:07</p> <p>20 A. It would be something that I would 03:07</p> <p>21 want to be aware of and find out what the 03:07</p> <p>22 rationale for that special circumstance was. 03:07</p> <p>23 Q. Did you ever hear that that happened 03:07</p> <p>24 on George Hesse's tour? 03:07</p> <p>25 MR. NOVIKOFF: Objection. 03:07</p>
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<p>1 Paradiso</p> <p>2 A. Which tour? 03:07</p> <p>3 Q. On a tour that he was a supervisor 03:07</p> <p>4 of. 03:07</p> <p>5 MR. NOVIKOFF: Same objection. 03:07</p> <p>6 A. That what happened? 03:07</p> <p>7 MR. NOVIKOFF: Thank you. 03:07</p> <p>8 Q. That a dockmaster was asked to sit 03:08</p> <p>9 for a part of the shift or the whole shift 03:08</p> <p>10 other than for in the bathroom or emergency 03:08</p> <p>11 situation that you testified to. 03:08</p> <p>12 MR. NOVIKOFF: Objection. 03:08</p> <p>13 A. I wasn't aware of it. 03:08</p> <p>14 Q. But, again, just so we are clear 03:08</p> <p>15 with respect to this question, if it happened 03:08</p> <p>16 on George Hesse's tour, you wouldn't have seen 03:08</p> <p>17 it; correct? 03:08</p> <p>18 A. No, I would not have seen it. 03:08</p> <p>19 Q. Did Hesse ever tell you that that 03:08</p> <p>20 happened, meaning that a dock master sat on the 03:08</p> <p>21 desk for more than just a brief period of time 03:08</p> <p>22 other than for a bathroom or emergency break? 03:08</p> <p>23 A. I don't recall him ever telling me 03:08</p> <p>24 that. 03:08</p> <p>25 MR. GOODSTADT: I have some more 03:08</p>	<p>1 Paradiso</p> <p>2 time, but we are -- I have some more 03:08</p> <p>3 questions, but I think we are at the end of 03:08</p> <p>4 the tape, so why don't we take a two-minute 03:08</p> <p>5 break and then we will come back and finish 03:08</p> <p>6 up. 03:08</p> <p>7 THE VIDEOGRAPHER: The time is now 03:08</p> <p>8 3:09 p.m. That is the end of tape 03:08</p> <p>9 number 3. We are now off the record. 03:08</p> <p>10 (Recess was taken from 3:09 to 03:09</p> <p>11 3:21.) 03:09</p> <p>12 THE VIDEOGRAPHER: This is the start 03:20</p> <p>13 of tape number 4. The time is now 03:20</p> <p>14 3:21 p.m. We are now back on the record. 03:20</p> <p>15 BY MR. GOODSTADT: 03:20</p> <p>16 Q. Mr. Paradiso, I believe that you 03:20</p> <p>17 testified that you don't recall anyone ever 03:20</p> <p>18 complaining to you about the allegation that 03:20</p> <p>19 Tom Snyder was left in the police station while 03:20</p> <p>20 the Bosettis took the police radio, the cell 03:20</p> <p>21 phone with them, and they weren't answering the 03:21</p> <p>22 calls. Do you recall that? 03:21</p> <p>23 MR. NOVIKOFF: Objection to form. 03:21</p> <p>24 A. Yes, I recall the question, yes. 03:21</p> <p>25 Q. If that happened, you wouldn't have 03:21</p>

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<p>1 Paradiso</p> <p>2 been there to see it; correct? 03:21</p> <p>3 A. No. 03:21</p> <p>4 Q. And it's possible that Tom Snyder 03:21</p> <p>5 complained to George Hesse about that and 03:21</p> <p>6 George Hesse simply didn't elevate it to you; 03:21</p> <p>7 correct? 03:21</p> <p>8 MR. NOVIKOFF: Objection. 03:21</p> <p>9 A. Like I said before, I can't believe 03:21</p> <p>10 it happened, but I -- anything, I guess, is 03:21</p> <p>11 possible. 03:21</p> <p>12 Q. And when you say you can't believe 03:21</p> <p>13 that happened, that's a similar vein to the 03:21</p> <p>14 episode with Richard Bosetti serving a glass of 03:21</p> <p>15 wine to a domestic abuse victim? 03:21</p> <p>16 MR. NOVIKOFF: Objection. 03:21</p> <p>17 MR. CONNOLLY: Objection. 03:21</p> <p>18 MR. NOVIKOFF: I don't even know 03:21</p> <p>19 what you are asking about. 03:21</p> <p>20 MR. GOODSTADT: I am asking if it's 03:21</p> <p>21 the same vein, he can't believe that it 03:21</p> <p>22 happened. 03:21</p> <p>23 MR. NOVIKOFF: Objection. 03:21</p> <p>24 A. Yeah, I don't believe it happened. 03:21</p> <p>25 Q. And if Tom Snyder did complain to 03:21</p>	<p>1 Paradiso</p> <p>2 George Hesse about it, assume that he did for 03:21</p> <p>3 this question, and George Hesse didn't report 03:22</p> <p>4 it to you, would George Hesse have been 03:22</p> <p>5 derelict in his duties? 03:22</p> <p>6 MR. NOVIKOFF: Objection. 03:22</p> <p>7 A. He should have taken steps to 03:22</p> <p>8 correct it before it even would have to get to 03:22</p> <p>9 me. 03:22</p> <p>10 Q. And if he didn't take steps to 03:22</p> <p>11 correct it, would he have been derelict in his 03:22</p> <p>12 duties? 03:22</p> <p>13 A. I believe so. 03:22</p> <p>14 Q. Isn't it true that there came a 03:22</p> <p>15 point in time where Tom Snyder told you that he 03:22</p> <p>16 wanted to go back to the night tours as opposed 03:22</p> <p>17 to work on the day tours because he didn't feel 03:22</p> <p>18 safe working with those other officers who were 03:22</p> <p>19 on the day tour? 03:22</p> <p>20 MR. NOVIKOFF: Objection. 03:22</p> <p>21 A. I don't recall that. 03:22</p> <p>22 Q. I just want to go back to the 03:22</p> <p>23 episode about -- or the allegation about Walter 03:23</p> <p>24 Moller being involved in a dispute at the 03:23</p> <p>25 docks. Do you recall? 03:23</p>
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<p>1 Paradiso</p> <p>2 A. I recall being asked about it. 03:23</p> <p>3 Q. Okay. Do you know whether there was 03:23</p> <p>4 a field report written about that incident? 03:23</p> <p>5 Not the piece that's alleged that Frank 03:23</p> <p>6 Fiorillo was told not to write him a summons 03:23</p> <p>7 and then was belittled, but just the incident 03:23</p> <p>8 at the docks, do you know whether a field 03:23</p> <p>9 report was done with respect to that incident? 03:23</p> <p>10 MR. NOVIKOFF: Objection. 03:23</p> <p>11 A. I don't know if a field report was 03:23</p> <p>12 ever written. I don't know if it ever took 03:23</p> <p>13 place. 03:23</p> <p>14 Q. Do you recall ever seeing a field 03:23</p> <p>15 report with respect to that issue? 03:23</p> <p>16 A. No. 03:23</p> <p>17 Q. Do you know whether that incident 03:23</p> <p>18 was ever entered into the blotter? 03:23</p> <p>19 MR. NOVIKOFF: Objection. 03:23</p> <p>20 Foundation. You are asking the witness to 03:23</p> <p>21 opine on an event that he doesn't know ever 03:24</p> <p>22 took place. 03:24</p> <p>23 MR. GOODSTADT: I want to know if he 03:24</p> <p>24 ever read a blotter entry with respect to 03:24</p> <p>25 that -- 03:24</p>	<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Okay, that's a 03:24</p> <p>3 different question. 03:24</p> <p>4 MR. GOODSTADT: -- with respect to 03:24</p> <p>5 that event. 03:24</p> <p>6 A. I don't recall a blotter entry to 03:24</p> <p>7 that event. 03:24</p> <p>8 Q. If the event took place, should a 03:24</p> <p>9 blotter entry have been written? 03:24</p> <p>10 A. Yes. 03:24</p> <p>11 Q. Should there have been a field 03:24</p> <p>12 report? 03:24</p> <p>13 A. Yes. 03:24</p> <p>14 Q. I believe you testified before the 03:24</p> <p>15 difference between -- whether it was today, I 03:24</p> <p>16 think you testified a little bit about it today 03:24</p> <p>17 and a little bit on Monday, the difference 03:24</p> <p>18 between part-time and seasonal; correct? 03:24</p> <p>19 A. Yes. 03:24</p> <p>20 Q. Were the plaintiffs part-time police 03:24</p> <p>21 officers? 03:24</p> <p>22 MR. NOVIKOFF: Objection. Form. 03:24</p> <p>23 A. The plaintiffs were part-time during 03:24</p> <p>24 the off-season months. 03:24</p> <p>25 Q. And seasonal during the season? 03:24</p>

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<p>1 Paradiso</p> <p>2 A. Yes. 03:24</p> <p>3 Q. I just want to go back to an 03:24</p> <p>4 allegation that you testified to before about 03:24</p> <p>5 the plaintiffs' claim that they were directed 03:24</p> <p>6 to drive or chauffeur George Hesse to personal 03:25</p> <p>7 visits while they were on tour. Do you recall 03:25</p> <p>8 that? 03:25</p> <p>9 A. I recall the question. 03:25</p> <p>10 Q. And Mr. Novikoff had mentioned 03:25</p> <p>11 something about the fact that it was only four 03:25</p> <p>12 minutes and it would have left the Village -- 03:25</p> <p>13 you know, he asked you a question about whether 03:25</p> <p>14 you thought it left the village safe or unsafe. 03:25</p> <p>15 Do you recall that? 03:25</p> <p>16 MR. NOVIKOFF: Objection. 03:25</p> <p>17 A. Yes. 03:25</p> <p>18 Q. Okay. Would it have been 03:25</p> <p>19 appropriate for George Hesse to have directed 03:25</p> <p>20 on-duty police officers to drive him in the 03:25</p> <p>21 police vehicle for personal business? 03:25</p> <p>22 A. What sort of personal business? 03:25</p> <p>23 Q. How about to see some friends. 03:25</p> <p>24 Completely unrelated to any police work. 03:25</p> <p>25 A. It would have to -- you would have 03:25</p>	<p>1 Paradiso</p> <p>2 to give me the circumstances that -- the amount 03:26</p> <p>3 of manpower I had on, what the frequency of 03:26</p> <p>4 something like that would have been, and the 03:26</p> <p>5 rationale behind why George couldn't get there 03:26</p> <p>6 on his own. 03:26</p> <p>7 Q. Let's say George Hesse -- assuming 03:26</p> <p>8 for this question that George Hesse was on duty 03:26</p> <p>9 during the time that he had other on-duty 03:26</p> <p>10 police officers drive him to personal visits. 03:26</p> <p>11 Would it have been appropriate for 03:26</p> <p>12 George Hesse to be running a personal visit to 03:26</p> <p>13 somebody while he was on duty? 03:26</p> <p>14 MR. NOVIKOFF: Objection. 03:26</p> <p>15 A. Inside the Village? 03:27</p> <p>16 Q. Well, inside the village. 03:27</p> <p>17 A. From one spot of the village to 03:27</p> <p>18 another in the village? 03:27</p> <p>19 Q. Why don't we start inside the 03:27</p> <p>20 village. 03:27</p> <p>21 MR. NOVIKOFF: Objection. 03:27</p> <p>22 A. I don't really understand what you 03:27</p> <p>23 mean by proper and personal. 03:27</p> <p>24 Q. Okay. So let's use a hypothetical. 03:27</p> <p>25 If Frank Fiorillo while he was on duty was 03:27</p>
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<p>1 Paradiso</p> <p>2 directed by George Hesse while George Hesse was 03:27</p> <p>3 on duty to drive him to an acquaintance's house 03:27</p> <p>4 for non-police related business, would that 03:27</p> <p>5 have been appropriate? 03:27</p> <p>6 MR. NOVIKOFF: Objection. 03:27</p> <p>7 A. Depending on the circumstances, it 03:27</p> <p>8 could have been appropriate. 03:27</p> <p>9 Q. What do you mean by that? 03:28</p> <p>10 A. Well -- 03:28</p> <p>11 MR. NOVIKOFF: Objection. I think 03:28</p> <p>12 he already explained it. 03:28</p> <p>13 A. If -- say he needed to talk to 03:28</p> <p>14 somebody about something, he shouldn't -- he 03:28</p> <p>15 doesn't have to give an explanation to a 03:28</p> <p>16 subordinate officer on why he needs to go 03:28</p> <p>17 somewhere for some reason on or off -- if he 03:28</p> <p>18 was on duty. It could be something that that 03:28</p> <p>19 officer doesn't need to know about. It all 03:28</p> <p>20 depends on the circumstance. 03:28</p> <p>21 Q. Well, how about if he was -- strike 03:28</p> <p>22 that. 03:28</p> <p>23 Would it have been appropriate for 03:28</p> <p>24 George Hesse to make a visit to an 03:28</p> <p>25 acquaintance's house for two hours while he was 03:28</p>	<p>1 Paradiso</p> <p>2 on duty and being paid? 03:28</p> <p>3 A. No, it would not be. 03:28</p> <p>4 Q. I asked you before about whether you 03:28</p> <p>5 ever -- any officers or George Hesse ever 03:29</p> <p>6 complained to you about any of the plaintiffs 03:29</p> <p>7 using excessive force. I just want to focus on 03:29</p> <p>8 something a little bit different. 03:29</p> <p>9 Did you ever receive any complaints 03:29</p> <p>10 from any police officers that any of the 03:29</p> <p>11 plaintiffs ever used any Anti-Semitic or racist 03:29</p> <p>12 comments or statements? 03:29</p> <p>13 MR. NOVIKOFF: Objection. Well 03:29</p> <p>14 beyond the scope. 03:29</p> <p>15 A. I don't recall any complaints to 03:29</p> <p>16 that nature. 03:29</p> <p>17 Q. Is that something you would expect 03:29</p> <p>18 somebody to complain to you about if a fellow 03:29</p> <p>19 police officer went on an Anti-Semitic or 03:29</p> <p>20 racist tirade? 03:29</p> <p>21 MR. NOVIKOFF: Objection. 03:29</p> <p>22 A. It would -- I would be surprised 03:29</p> <p>23 that that couldn't come back to me. I would 03:29</p> <p>24 say that a police officer making Anti-Semitic 03:29</p> <p>25 remarks in the Village where the population of 03:29</p>

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<p>1 Paradiso</p> <p>2 know how to answer that question. I don't even 03:38</p> <p>3 understand it. 03:38</p> <p>4 Q. Well, when I say "complainant," do 03:39</p> <p>5 you know what I mean by a complainant? 03:39</p> <p>6 A. I know what I -- I know what I mean 03:39</p> <p>7 by a complainant. I don't know what you mean 03:39</p> <p>8 by a complainant. 03:39</p> <p>9 Q. Why don't you tell me what you mean 03:39</p> <p>10 so I will tell you if -- 03:39</p> <p>11 A. A complainant is a person that 03:39</p> <p>12 called in saying that there was a fight at the 03:39</p> <p>13 bar or somebody that got injured at the bar, 03:39</p> <p>14 they called the police station saying "I got 03:39</p> <p>15 injured at the bar." They are the one that 03:39</p> <p>16 initiates the police action. 03:39</p> <p>17 Q. So the person who called the on-duty 03:39</p> <p>18 officers that night, regardless of whether they 03:39</p> <p>19 were involved in the fight, could be the 03:39</p> <p>20 complainant? 03:39</p> <p>21 A. They would be listed in our field 03:39</p> <p>22 report as the complainant, the first person 03:39</p> <p>23 that called it in. 03:39</p> <p>24 Q. And at the time that the on-duty 03:39</p> <p>25 officers were at the scene, do you know whether 03:39</p>	<p>1 Paradiso</p> <p>2 they even knew that Gary Bosetti was involved 03:39</p> <p>3 at that time? 03:39</p> <p>4 A. I don't know. 03:39</p> <p>5 MR. NOVIKOFF: What was the 03:40</p> <p>6 question? 03:40</p> <p>7 (Record read.) 03:40</p> <p>8 MR. NOVIKOFF: The question is does 03:40</p> <p>9 he know? 03:40</p> <p>10 MR. GOODSTADT: Does he know. 03:40</p> <p>11 MR. NOVIKOFF: Okay. 03:40</p> <p>12 Q. I just want to focus a bit on the -- 03:40</p> <p>13 well, strike that. I will focus a bit on this 03:40</p> <p>14 as well. 03:40</p> <p>15 As -- I believe you testified that 03:40</p> <p>16 officers -- the on-duty officers should have or 03:40</p> <p>17 did a good job of going out and finding the 03:40</p> <p>18 victim who may have needed medical attention; 03:40</p> <p>19 is that correct? 03:40</p> <p>20 A. Right. 03:40</p> <p>21 MR. NOVIKOFF: Objection. 03:40</p> <p>22 Q. Yes? 03:40</p> <p>23 A. Yes. 03:40</p> <p>24 Q. Do you believe that the Bosettis 03:40</p> <p>25 should have allowed the alleged victim of the 03:40</p>
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<p>1 Paradiso</p> <p>2 assault to have left the scene of the incident? 03:40</p> <p>3 MR. NOVIKOFF: Objection to the 03:40</p> <p>4 form. Foundation. A whole host of other 03:40</p> <p>5 problems. Assumes facts not in evidence. 03:40</p> <p>6 A. I don't know what took place. 03:40</p> <p>7 Q. I want to focus a bit on the 03:41</p> <p>8 investigation. 03:41</p> <p>9 What bureau was Pat Cherry in in 03:41</p> <p>10 Nassau County? 03:41</p> <p>11 MR. NOVIKOFF: Objection. Asked and 03:41</p> <p>12 answered. 03:41</p> <p>13 A. He was in detective bureau. 03:41</p> <p>14 Q. Do you know what type of crimes he 03:41</p> <p>15 investigated? 03:41</p> <p>16 A. The way I remember it, he was either 03:41</p> <p>17 a narcotics or a homicide detective, but I'm 03:41</p> <p>18 sure he was a detective in probably a few 03:41</p> <p>19 different areas. 03:41</p> <p>20 Q. Do you know whether the Bosettis 03:41</p> <p>21 ever gave a statement as part of the Halloween 03:41</p> <p>22 incident? 03:41</p> <p>23 A. I don't recall. 03:41</p> <p>24 Q. Did you ever read the Bosettis' 03:41</p> <p>25 statement? 03:41</p>	<p>1 Paradiso</p> <p>2 A. I don't remember it. 03:41</p> <p>3 Q. Did you ever read a statement by 03:41</p> <p>4 Sean O'Rourke? I know you testified that you 03:41</p> <p>5 don't recall whether he was involved, but do 03:41</p> <p>6 you recall ever reading a statement by him? 03:41</p> <p>7 A. No, I don't. 03:41</p> <p>8 Q. If the Bosettis gave a statement, 03:41</p> <p>9 would it have been appropriate for them to have 03:41</p> <p>10 been able to review all the other witness 03:42</p> <p>11 statements prior to them putting together a 03:42</p> <p>12 statement? 03:42</p> <p>13 MR. NOVIKOFF: Objection. 03:42</p> <p>14 Q. Do you understand what I am asking 03:42</p> <p>15 you? 03:42</p> <p>16 A. I am trying to -- 03:42</p> <p>17 Q. Let me -- 03:42</p> <p>18 A. -- understand it. 03:42</p> <p>19 Q. Let me rephrase it then. 03:42</p> <p>20 A. Okay. 03:42</p> <p>21 Q. Would it have been appropriate prior 03:42</p> <p>22 to Gary Bosetti giving a written statement for 03:42</p> <p>23 George Hesse and/or Pat Cherry to give them 03:42</p> <p>24 copies or show them copies of the other witness 03:42</p> <p>25 statements that had already been taken? 03:42</p>

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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection. 03:42</p> <p>3 A. I think they wouldn't -- I don't 03:42</p> <p>4 think that would have been an appropriate act 03:42</p> <p>5 to take. I think they should be able to give a 03:42</p> <p>6 statement based on their own personal knowledge 03:42</p> <p>7 of what took place. 03:42</p> <p>8 Q. So in your view as the chief of 03:42</p> <p>9 police that would have been inappropriate; 03:42</p> <p>10 correct? 03:43</p> <p>11 MR. NOVIKOFF: Objection. 03:43</p> <p>12 A. It could be viewed as inappropriate. 03:43</p> <p>13 Q. Well, I am asking what your view is 03:43</p> <p>14 as chief of police. 03:43</p> <p>15 A. I don't know if it happened or not. 03:43</p> <p>16 Q. Well, assuming it did happen. 03:43</p> <p>17 A. Oh. 03:43</p> <p>18 MR. NOVIKOFF: Note my objection. 03:43</p> <p>19 A. I would think that they should not 03:43</p> <p>20 have been afforded the ability to read everyone 03:43</p> <p>21 else's statement prior to giving their own. 03:43</p> <p>22 Q. How come? 03:43</p> <p>23 A. Because I don't see how it would 03:43</p> <p>24 serve a purpose in forming their own 03:43</p> <p>25 statements. They should be able to give a 03:43</p>	<p>1 Paradiso</p> <p>2 statement on the basis of what they knew that 03:43</p> <p>3 took place. 03:43</p> <p>4 Q. In your mind, would it undermine 03:43</p> <p>5 their credibility if you learned that that 03:43</p> <p>6 happened? 03:43</p> <p>7 MR. NOVIKOFF: Objection. 03:43</p> <p>8 MR. CONNOLLY: Objection. 03:43</p> <p>9 A. I don't know if it would undermine 03:43</p> <p>10 their credibility or not. 03:43</p> <p>11 Q. In your mind, would it undermine the 03:43</p> <p>12 credibility of their statements, I should say, 03:44</p> <p>13 if that happened? 03:44</p> <p>14 MR. NOVIKOFF: Objection. 03:44</p> <p>15 A. I don't think so. 03:44</p> <p>16 Q. Is it proper procedure to show a 03:44</p> <p>17 witness who is about to give a statement the 03:44</p> <p>18 other statements that have been taken in 03:44</p> <p>19 connection with the event? 03:44</p> <p>20 A. Well, were they giving witness -- 03:44</p> <p>21 were they giving a witness statement or were 03:44</p> <p>22 they doing a police report on what took place? 03:44</p> <p>23 I didn't -- I don't remember what their 03:44</p> <p>24 statement said, so I don't know what format 03:44</p> <p>25 their statement was given. I'd have to look at 03:44</p>
Page 621	Page 622
<p>1 Paradiso</p> <p>2 their statement and see what it said to tell 03:44</p> <p>3 you whether or not it looked like a compilation 03:44</p> <p>4 or if it looked like an original statement. 03:44</p> <p>5 Q. Assuming it was a witness statement. 03:44</p> <p>6 A. Witness statement should be taken 03:44</p> <p>7 independent of what other people say. 03:44</p> <p>8 Q. So you believe it was not following 03:44</p> <p>9 proper procedure if they had been shown the 03:44</p> <p>10 other witness statements prior to giving their 03:44</p> <p>11 own witness statements? 03:44</p> <p>12 A. I'd say that would not be a normal 03:44</p> <p>13 procedure to do. 03:44</p> <p>14 Q. Do you know whether George Hesse or 03:45</p> <p>15 Patrick Cherry interviewed the three on-duty 03:45</p> <p>16 police officers in connection with their 03:45</p> <p>17 investigation? 03:45</p> <p>18 A. I don't recall. 03:45</p> <p>19 Q. Do you believe that they should have 03:45</p> <p>20 as part of their investigation? 03:45</p> <p>21 MR. NOVIKOFF: Objection. 03:45</p> <p>22 A. Yes. 03:45</p> <p>23 Q. I believe you testified before that 03:45</p> <p>24 you thought they did a thorough job. 03:45</p> <p>25 If you learned that they never spoke 03:45</p>	<p>1 Paradiso</p> <p>2 with the three on-duty officers, would that 03:45</p> <p>3 change your opinion of the thoroughness of 03:45</p> <p>4 their job? 03:45</p> <p>5 A. I based my opinion on the 03:45</p> <p>6 thoroughness of the job that they did by the 03:45</p> <p>7 results of the case that went to court. 03:45</p> <p>8 Q. Putting aside what happened 03:45</p> <p>9 afterwards and the results of the case, talking 03:45</p> <p>10 about while -- just the concept of doing a 03:45</p> <p>11 thorough investigation. 03:45</p> <p>12 A. Well, the three officers that 03:45</p> <p>13 arrived at the scene weren't witnesses to what 03:45</p> <p>14 took place, so they could only testify to what 03:45</p> <p>15 the people that ended up pleading guilty to the 03:46</p> <p>16 different charges would say, so their 03:46</p> <p>17 statements on what took place is only going to 03:46</p> <p>18 be what the people that ended up getting 03:46</p> <p>19 convicted of what happened took place. They 03:46</p> <p>20 didn't take any witness statements of any 03:46</p> <p>21 eyewitnesses that were there, so what would 03:46</p> <p>22 they -- what would their statements say? 03:46</p> <p>23 Q. Well, do you think they should have 03:46</p> <p>24 found out what they tried to do to get witness 03:46</p> <p>25 statements at that time, for example? 03:46</p>

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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection. 03:46</p> <p>3 A. I don't know. 03:46</p> <p>4 Q. Do you know whether they -- 03:46</p> <p>5 Mr. Hesse or Mr. Cherry interviewed the three 03:46</p> <p>6 or two alleged victims, the guys and the woman 03:46</p> <p>7 that you spoke with? 03:46</p> <p>8 A. I don't actually recall. 03:46</p> <p>9 Q. Do you think they should have? 03:46</p> <p>10 A. I think once the focus of the 03:46</p> <p>11 investigation went from whether or not an 03:46</p> <p>12 officer was acting inappropriate to people who 03:47</p> <p>13 committed some offenses, it would be 03:47</p> <p>14 inappropriate to take a statement from somebody 03:47</p> <p>15 without reading them their rights and then 03:47</p> <p>16 force them to make statements as to what they 03:47</p> <p>17 did without benefit of counsel, so I don't know 03:47</p> <p>18 if they had counsel with them when they -- once 03:47</p> <p>19 a person is a target of an investigation, they 03:47</p> <p>20 are read their rights and they are afforded 03:47</p> <p>21 counsel before they are questioned. 03:47</p> <p>22 Q. When did they become a target in the 03:47</p> <p>23 investigation? 03:47</p> <p>24 A. I would think that they became a 03:47</p> <p>25 target of the investigation once the witness 03:47</p>	<p>1 Paradiso</p> <p>2 statements came in saying that they were the 03:47</p> <p>3 initial aggressors in this incident. 03:47</p> <p>4 Q. How about prior to the time they 03:47</p> <p>5 became a target, do you think that Mr. Hesse or 03:47</p> <p>6 Mr. Cherry should have spoken with them? 03:47</p> <p>7 MR. NOVIKOFF: Objection. 03:47</p> <p>8 A. It isn't -- well, in a perfect 03:47</p> <p>9 world, I guess, yeah, but these people didn't 03:48</p> <p>10 live on Fire Island. They came over for a 03:48</p> <p>11 party. And it wasn't like they were staying 03:48</p> <p>12 for an undisclosed period of time on the beach. 03:48</p> <p>13 They went right back on the ferry after I spoke 03:48</p> <p>14 with them and I don't think they returned until 03:48</p> <p>15 after the majority of the investigation had 03:48</p> <p>16 taken place from the witnesses that had seen 03:48</p> <p>17 what happened. 03:48</p> <p>18 Q. But you had their address and phone 03:48</p> <p>19 numbers; correct? 03:48</p> <p>20 A. Yes. 03:48</p> <p>21 Q. So just like one of the on-duty 03:48</p> <p>22 police officers could have picked up the phone 03:48</p> <p>23 and called you that night, either Mr. Cherry or 03:48</p> <p>24 Mr. Hesse could have picked up the phone and 03:48</p> <p>25 called them; correct? 03:48</p>
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<p>1 Paradiso</p> <p>2 MR. NOVIKOFF: Objection to form. 03:48</p> <p>3 A. I don't know if they did not do 03:48</p> <p>4 that. 03:48</p> <p>5 Q. Would it surprise you to learn that 03:48</p> <p>6 they didn't do that? 03:48</p> <p>7 MR. NOVIKOFF: Objection. 03:48</p> <p>8 A. I don't know. 03:48</p> <p>9 Q. Would it change your opinion of the 03:48</p> <p>10 thoroughness of their investigation if you 03:48</p> <p>11 learned that they did not do that? 03:48</p> <p>12 MR. NOVIKOFF: Objection. 03:48</p> <p>13 A. Not necessarily. 03:48</p> <p>14 Q. Mr. Novikoff asked you something 03:48</p> <p>15 about a hypothetical about if Gary Bosetti was 03:49</p> <p>16 in shock. Do you recall that? 03:49</p> <p>17 A. Yes. 03:49</p> <p>18 Q. Okay. If Gary Bosetti was in shock, 03:49</p> <p>19 should his brother have gotten him immediate 03:49</p> <p>20 medical attention as a twenty-year veteran of 03:49</p> <p>21 the New York Police Department and off-duty 03:49</p> <p>22 officer who was there that night? 03:49</p> <p>23 MR. NOVIKOFF: Objection. 03:49</p> <p>24 MR. CONNOLLY: Objection. 03:49</p> <p>25 A. It was a hypothetical situation on 03:49</p>	<p>1 Paradiso</p> <p>2 whether or not he was in shock. I guess 03:49</p> <p>3 hypothetically he did get him medical 03:49</p> <p>4 attention. 03:49</p> <p>5 Q. What do you mean by that? 03:49</p> <p>6 A. I don't know what he did. It was 03:49</p> <p>7 never determined that he was in shock. 03:49</p> <p>8 MR. NOVIKOFF: Ergo being a 03:49</p> <p>9 hypothetical question. 03:49</p> <p>10 Q. I believe you testified that you 03:49</p> <p>11 went to a house on Bayberry looking for Gary 03:49</p> <p>12 Bosetti; correct? 03:49</p> <p>13 A. Yes. 03:49</p> <p>14 Q. Why did you go to that house? 03:49</p> <p>15 A. I had asked -- I had asked around on 03:49</p> <p>16 if anybody had any idea where he might be and 03:49</p> <p>17 they pointed out a house on Bayberry. 03:50</p> <p>18 Q. Who did? 03:50</p> <p>19 A. I don't recall, but I went to the 03:50</p> <p>20 house and talked to the occupants of the house 03:50</p> <p>21 to see if he was there and he wasn't. 03:50</p> <p>22 Q. Who were the occupants? 03:50</p> <p>23 A. There was a girl there with red 03:50</p> <p>24 hair. I don't recall her name. 03:50</p> <p>25 Q. Was her name Elise Miller? 03:50</p>

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<p>1 Paradiso</p> <p>2 A. I don't know. 03:50</p> <p>3 Q. Did you take a statement from her? 03:50</p> <p>4 A. No, I didn't. 03:50</p> <p>5 Q. Did she tell you anything about what 03:50</p> <p>6 happened that night? 03:50</p> <p>7 MR. NOVIKOFF: Objection. 03:50</p> <p>8 A. I don't recall. 03:50</p> <p>9 Q. Did you take any notes of your 03:50</p> <p>10 conversation with her? 03:50</p> <p>11 A. No. I was looking for Gary Bosetti. 03:50</p> <p>12 If he wasn't there, that was the end of the 03:50</p> <p>13 conversation. 03:50</p> <p>14 Q. Did you subsequently learn how Gary 03:50</p> <p>15 Bosetti got off the island that night? 03:50</p> <p>16 A. He got off the island that morning. 03:50</p> <p>17 Q. That morning. 03:50</p> <p>18 A. He went off in four-wheel-drive 03:50</p> <p>19 truck, but I don't know whose. 03:50</p> <p>20 Q. You never heard that -- do you know 03:50</p> <p>21 who Matt Bellowes is? 03:50</p> <p>22 A. Who? 03:50</p> <p>23 Q. Matt Bellowes or Matt the plumber. 03:51</p> <p>24 A. I know Matt the plumber. 03:51</p> <p>25 Q. Right. You never heard that Matt 03:51</p>	<p>1 Paradiso</p> <p>2 the plumber took him off by private boat that 03:51</p> <p>3 morning? 03:51</p> <p>4 A. No, I didn't hear that. 03:51</p> <p>5 Q. What makes you believe that he left 03:51</p> <p>6 on a four-wheel-drive vehicle? 03:51</p> <p>7 A. Because he said he was just getting 03:51</p> <p>8 off the beach down by Robert Moses. 03:51</p> <p>9 Q. Did he tell you that he had left on 03:51</p> <p>10 a four-wheel-drive vehicle? 03:51</p> <p>11 A. That's the way I remember it. 03:51</p> <p>12 Q. During the entirety of the 03:51</p> <p>13 investigation did you take any notes? 03:51</p> <p>14 A. I might have taken some notes when I 03:51</p> <p>15 was talking to the three people that came off 03:51</p> <p>16 the boat. They would have been in the file. 03:51</p> <p>17 MR. NOVIKOFF: If you took the 03:51</p> <p>18 notes. 03:51</p> <p>19 A. If I took them. 03:51</p> <p>20 Q. Why weren't the on-duty officers 03:51</p> <p>21 part of the investigation? 03:51</p> <p>22 MR. NOVIKOFF: Objection. Didn't 03:51</p> <p>23 they start the investigation? 03:51</p> <p>24 Q. Yes, well, I guess they did a 03:51</p> <p>25 preliminary investigation that night, but the 03:51</p>
Page 629	Page 630
<p>1 Paradiso</p> <p>2 investigation that George Hesse and Patrick 03:52</p> <p>3 Cherry undertook, why were weren't the on-duty 03:52</p> <p>4 officers part of that investigation? 03:52</p> <p>5 A. Well, we used the personnel who was 03:52</p> <p>6 on duty at the time to carry on that 03:52</p> <p>7 investigation. George was the supervisor that 03:52</p> <p>8 was on. Pat was working. I wasn't going to 03:52</p> <p>9 call guys back in after they had just worked to 03:52</p> <p>10 pay overtime to do an investigation. I used 03:52</p> <p>11 the guys that I had. I don't have an unlimited 03:52</p> <p>12 budget for personnel. I have to be able to 03:52</p> <p>13 justify expenditures. I am not going to keep 03:52</p> <p>14 guys over. They all -- most of them have 03:52</p> <p>15 second jobs that they go to when they leave me 03:52</p> <p>16 or they have to sleep so they can go to their 03:52</p> <p>17 second jobs, so... 03:52</p> <p>18 Q. So just so we are clear, it's your 03:52</p> <p>19 testimony that Pat Cherry was on duty and 03:52</p> <p>20 wasn't called in specifically for this? 03:52</p> <p>21 MR. NOVIKOFF: Objection. 03:52</p> <p>22 A. I'm not certain whether or not he 03:52</p> <p>23 was called in specifically. After I left -- 03:52</p> <p>24 when George came in, I left the beach. 03:52</p> <p>25 Q. So it's possible that Pat Cherry 03:53</p>	<p>1 Paradiso</p> <p>2 actually was called and he wasn't just the 03:53</p> <p>3 personnel that was on duty; correct? 03:53</p> <p>4 MR. NOVIKOFF: Objection. 03:53</p> <p>5 A. I'm not certain which way it was. 03:53</p> <p>6 Q. When you spoke with Gary Bosetti on 03:53</p> <p>7 the phone that next morning, was anybody 03:53</p> <p>8 else -- well, strike that. 03:53</p> <p>9 You were in the police station at 03:53</p> <p>10 the time? 03:53</p> <p>11 A. Yes. 03:53</p> <p>12 Q. Was anybody else with you? 03:53</p> <p>13 A. I don't recall. 03:53</p> <p>14 Q. You don't recall Frank Fiorillo 03:53</p> <p>15 being next to you? 03:53</p> <p>16 A. It's possible. 03:53</p> <p>17 Q. I believe that you testified today 03:53</p> <p>18 about allegations of cover-ups. Do you recall 03:53</p> <p>19 that? 03:53</p> <p>20 A. Yes. 03:53</p> <p>21 MR. NOVIKOFF: Objection. 03:53</p> <p>22 Q. And I believe you testified that you 03:53</p> <p>23 were not aware of any cover-up; is that 03:53</p> <p>24 correct? 03:53</p> <p>25 A. That's correct. 03:54</p>

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<p>1 Paradiso</p> <p>2 Q. If you were aware -- well, strike 03:54</p> <p>3 that. 03:54</p> <p>4 If George Hesse engaged in a 03:54</p> <p>5 cover-up, I believe you testified that would be 03:54</p> <p>6 criminal; is that correct? 03:54</p> <p>7 MR. NOVIKOFF: Objection. 03:54</p> <p>8 MR. CONNOLLY: Objection. 03:54</p> <p>9 MR. NOVIKOFF: I don't think that 03:54</p> <p>10 was his testimony. I don't think the 03:54</p> <p>11 question was ever posed that way. 03:54</p> <p>12 MR. GOODSTADT: I will pose it to 03:54</p> <p>13 him. 03:54</p> <p>14 Q. If George Hesse engaged in a 03:54</p> <p>15 cover-up of a claim of police abuse, would that 03:54</p> <p>16 subject him to criminal sanctions? 03:54</p> <p>17 MR. NOVIKOFF: Objection. 03:54</p> <p>18 A. Yes. 03:54</p> <p>19 Q. And if you knew about George Hesse 03:54</p> <p>20 engaging in a cover-up and didn't do anything 03:54</p> <p>21 about it, would that subject you to any 03:54</p> <p>22 criminal sanctions? 03:54</p> <p>23 MR. NOVIKOFF: Objection. 03:54</p> <p>24 A. It certainly would. 03:54</p> <p>25 Q. I just have a couple of final 03:54</p>	<p>1 Paradiso</p> <p>2 questions. You testified yesterday about -- 03:54</p> <p>3 A. Monday. 03:54</p> <p>4 Q. Not yesterday. Monday. You are 03:55</p> <p>5 right. 03:55</p> <p>6 You testified Monday about the use 03:55</p> <p>7 of some medication that affects your memory; 03:55</p> <p>8 correct? 03:55</p> <p>9 A. Yes. 03:55</p> <p>10 Q. And I believe today you said 03:55</p> <p>11 something to the effect that you have issues 03:55</p> <p>12 with your memory as well as the fact that you 03:55</p> <p>13 are proof positive that the recollection of 03:55</p> <p>14 facts fades over time. Do you recall that? 03:55</p> <p>15 MR. NOVIKOFF: Objection. The 03:55</p> <p>16 testimony speaks for itself. 03:55</p> <p>17 A. Actually, I don't recall that. 03:55</p> <p>18 Q. Okay. The testimony speaks for 03:55</p> <p>19 itself. 03:55</p> <p>20 So Mr. Paradiso, sitting here today, 03:55</p> <p>21 are you able to tell the jury that your 03:55</p> <p>22 testimony on Monday and today is -- your 03:55</p> <p>23 recollection of the facts that you testified to 03:55</p> <p>24 on Monday and today is full and accurate? 03:55</p> <p>25 MR. NOVIKOFF: Objection. 03:55</p>
Page 633	Page 634
<p>1 Paradiso</p> <p>2 A. To the best of my ability. 03:55</p> <p>3 MR. GOODSTADT: I'm done. 03:55</p> <p>4 MR. NOVIKOFF: Okay. 03:55</p> <p>5 I apologize. I am going to try to 03:55</p> <p>6 limit this to three minutes. 03:56</p> <p>7 FURTHER EXAMINATION BY 03:56</p> <p>8 MR. NOVIKOFF: 03:56</p> <p>9 Q. Sean O'Rourke, to your knowledge, 03:56</p> <p>10 was he a friend of George Hesse's? 03:56</p> <p>11 A. No. 03:56</p> <p>12 Q. Do you have knowledge one way or the 03:56</p> <p>13 other or -- 03:56</p> <p>14 A. I don't believe he was a friend of 03:56</p> <p>15 George Hesse. 03:56</p> <p>16 Q. Okay. Mr. Goodstadt asked you a 03:56</p> <p>17 question regarding delegation of training to 03:56</p> <p>18 Mr. Hesse and you answered yes, if I recall 03:56</p> <p>19 correctly. 03:56</p> <p>20 A. Yes. 03:56</p> <p>21 Q. For some reason he didn't ask you 03:56</p> <p>22 what you delegated to him in this regard, so I 03:56</p> <p>23 will. 03:56</p> <p>24 With regard to training, what did 03:56</p> <p>25 you delegate to Mr. Hesse? 03:56</p>	<p>1 Paradiso</p> <p>2 A. George Hesse would arrange with the 03:56</p> <p>3 Suffolk County Police Department's academy 03:56</p> <p>4 different dates that were available for 03:56</p> <p>5 re-certification for firearms training, deadly 03:56</p> <p>6 use of force training, if there were any 03:56</p> <p>7 special training sessions that were available 03:56</p> <p>8 to the seasonal police officers to go in for, 03:56</p> <p>9 he would make the arrangements and post the 03:56</p> <p>10 dates. EMT refreshers or any OSHA requirements 03:56</p> <p>11 that would have to be done. Those type of 03:57</p> <p>12 things. 03:57</p> <p>13 Q. Okay. Mr. Goodstadt asked you some 03:57</p> <p>14 questions about whether or not Cherry or Hesse 03:57</p> <p>15 should have spoken to the victims. 03:57</p> <p>16 Do you recall that happening say 03:57</p> <p>17 within the last half hour? 03:57</p> <p>18 A. Yes. 03:57</p> <p>19 Q. Okay. Now, let me understand this 03:57</p> <p>20 correctly. The on-duty officers at the time, 03:57</p> <p>21 Lamm, Nofi and Fiorillo, spoke to the alleged 03:57</p> <p>22 victims right after the incident occurred? 03:57</p> <p>23 A. As far as I recall, yes. 03:57</p> <p>24 Q. They took statements, correct, to 03:57</p> <p>25 the best of your recollection? 03:57</p>

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<p>1 Paradiso</p> <p>2 A. I believe that they did. 03:57</p> <p>3 Q. Okay. You spoke to them that 03:57</p> <p>4 morning when they came back or some of them? 03:57</p> <p>5 A. Yes. 03:57</p> <p>6 Q. Anything that you could think of as 03:57</p> <p>7 to what Hesse or Cherry could have asked them 03:57</p> <p>8 that the three officers and you hadn't already 03:57</p> <p>9 asked them? 03:57</p> <p>10 A. Nothing comes to mind. 03:57</p> <p>11 Q. Mr. Goodstadt asked you a question 03:58</p> <p>12 as to whether or not the on-duty officers 03:58</p> <p>13 should have been part of an investigation. Do 03:58</p> <p>14 you recall that? 03:58</p> <p>15 A. Yes. 03:58</p> <p>16 Q. Now, this was off season; correct? 03:58</p> <p>17 A. Yes. 03:58</p> <p>18 Q. The officers, if they were working 03:58</p> <p>19 for the Village, would have been working for 03:58</p> <p>20 the Village as part-time officers for a 03:58</p> <p>21 particular shift; correct? 03:58</p> <p>22 A. Yes. 03:58</p> <p>23 Q. They had other jobs; correct? 03:58</p> <p>24 A. Yes. 03:58</p> <p>25 Q. Okay. Now, they had already been 03:58</p>	<p>1 Paradiso</p> <p>2 part of the initial investigation; correct? 03:58</p> <p>3 A. Yes. 03:58</p> <p>4 Q. They had already spoken with the 03:58</p> <p>5 alleged victims; correct? 03:58</p> <p>6 A. As far as I know, yes. 03:58</p> <p>7 Q. Mr. Bosetti and -- both Mr. Bosetti, 03:58</p> <p>8 Richard and Gary, at least, to your 03:58</p> <p>9 recollection weren't cooperative with these 03:58</p> <p>10 three officers, correct, at least that night? 03:58</p> <p>11 A. Didn't seem to be. 03:58</p> <p>12 Q. Right. Can you think of any purpose 03:58</p> <p>13 that would have been served by having the three 03:58</p> <p>14 on-duty officers be part of the investigation 03:58</p> <p>15 subsequent to the first night of the event? 03:58</p> <p>16 A. Can you repeat that. 03:58</p> <p>17 Q. Yes. We have established that the 03:59</p> <p>18 three on-duty officers did the initial 03:59</p> <p>19 investigation. They spoke to the alleged 03:59</p> <p>20 victims. They tried to speak with the 03:59</p> <p>21 Bosettis, but the Bosettis, according to what 03:59</p> <p>22 you have learned, weren't the most cooperative 03:59</p> <p>23 that evening; correct? 03:59</p> <p>24 A. Okay. 03:59</p> <p>25 Q. You had George Hesse as part of the 03:59</p>
Page 637	Page 638
<p>1 Paradiso</p> <p>2 investigation; correct? 03:59</p> <p>3 A. Yes. 03:59</p> <p>4 Q. You had Pat Cherry who, in your 03:59</p> <p>5 view, was an experienced and former New York 03:59</p> <p>6 City police officer? 03:59</p> <p>7 A. Nassau County. 03:59</p> <p>8 Q. Nassau County, who had done 03:59</p> <p>9 hundreds, if not thousands of witness 03:59</p> <p>10 statements. 03:59</p> <p>11 Given all these facts what benefit 03:59</p> <p>12 could you think of that would have been served 03:59</p> <p>13 by having three additional officers as part of 03:59</p> <p>14 an investigation? 03:59</p> <p>15 A. I can't think of any. 03:59</p> <p>16 Q. Then Mr. Goodstadt asked you some 03:59</p> <p>17 questions about whether the Bosettis should 03:59</p> <p>18 have been part of the investigation at least 03:59</p> <p>19 that evening. Do you recall that? 03:59</p> <p>20 A. Yes. 03:59</p> <p>21 Q. Well, is it -- would it be 03:59</p> <p>22 appropriate for a police officer who is being 04:00</p> <p>23 accused of police brutality to be part of the 04:00</p> <p>24 investigation into whether or not he committed 04:00</p> <p>25 the brutality being alleged? 04:00</p>	<p>1 Paradiso</p> <p>2 A. No. 04:00</p> <p>3 Q. Especially within the first few 04:00</p> <p>4 hours of the incident. 04:00</p> <p>5 A. No. 04:00</p> <p>6 Q. Would it be appropriate for the 04:00</p> <p>7 brother of the police officer being alleged of 04:00</p> <p>8 committing brutality to be part of the initial 04:00</p> <p>9 investigation into whether or not his brother 04:00</p> <p>10 committed the brutality? 04:00</p> <p>11 A. No. 04:00</p> <p>12 MR. NOVIKOFF: I have no further 04:00</p> <p>13 questions. 04:00</p> <p>14 FURTHER EXAMINATION BY 04:00</p> <p>15 MR. CONNOLLY: 04:00</p> <p>16 Q. You earlier indicated that you 04:00</p> <p>17 believe Sean O'Rourke had been arrested for 04:00</p> <p>18 drug possession; is that correct? 04:00</p> <p>19 A. Yes. 04:00</p> <p>20 Q. He was arrested in Ocean Beach? 04:00</p> <p>21 A. Yes. 04:00</p> <p>22 Q. Was George Hesse the arresting 04:00</p> <p>23 officer? 04:00</p> <p>24 A. Yes, he was. 04:00</p> <p>25 MR. CONNOLLY: No questions. Thank 04:00</p>

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1	Paradiso				1				
2	you.	04:00			2	C E R T I F I C A T E			
3	MR. GOODSTADT: I have nothing		04:00		3				
4	further.	04:00			4	S T A T E O F N E W Y O R K)			
5	MR. NOVIKOFF: All right. Well,		04:00		5) ss.:			
6	thank you very much.	04:00			6	C O U N T Y O F N A S S A U)			
7	THE VIDEOGRAPHER: That concludes		04:00		7				
8	the video record for today. The time is	04:00			8	I, KRISTIN KOCH, a Notary Public			
9	4:01 p.m. We are now off the record.	04:00			9	within and for the State of New York, do			
10	(Time noted: 4:01 p.m.)	04:00			10	hereby certify:			
11					11	That EDWARD THOMAS PARADISO, the			
12					12	witness whose deposition is hereinbefore			
13					13	set forth, was duly sworn by me and that			
14	EDWARD THOMAS PARADISO				14	such deposition is a true record of the			
15					15	testimony given by such witness.			
16					16	I further certify that I am not			
17	Subscribed and sworn to before me				17	related to any of the parties to this			
18	this	day of	2009.		18	action by blood or marriage; and that I am			
19					19	in no way interested in the outcome of			
20					20	this matter.			
21					21	IN WITNESS WHEREOF, I have hereunto			
22					22	set my hand this 10th day of August, 2009.			
23					23				
24					24	KRISTIN KOCH, RPR, RMR, CRR, CLR			
25					25				

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1					1				
2	-----I N D E X-----				2	E R R A T A S H E E T F O R T H E T R A N S C R I P T O F:			
3					3	Case Name: Carter v. Ocean Beach			
4	WITNESS	EXAMINATION BY	PAGE		4	Dep. Date: July 29, 2009			
5	EDWARD THOMAS PARADISO	MR. NOVIKOFF	367, 633		5	Deponent: Edward Thomas Paradiso			
6		MR. CONNOLLY	550, 638		6	C O R R E C T I O N S:			
7		MR. GOODSTADT	554		7	Pg. Ln.	Now Reads	Should Read	Reason
8					8	---	-----	-----	-----
9	-----EXHIBITS-----				9	---	-----	-----	-----
10	PARADISO	PAGE LINE			10	---	-----	-----	-----
11	Exhibit 17				11	---	-----	-----	-----
12	Reply Affidavit.....	377	2		12	---	-----	-----	-----
13	Exhibit 18				13	---	-----	-----	-----
14	Complaint and Jury Demand.....	388	17		14	---	-----	-----	-----
15	Exhibit 19				15	---	-----	-----	-----
16	Letter dated November 28, 2006.....	497	19		16	---	-----	-----	-----
17	Exhibit 20				17	---	-----	-----	-----
18	Letter dated December 15, 2000.....	499	10		18				
19					19				
20					20	Signature of Deponent			
21					21	SUBSCRIBED AND SWORN BEFORE ME			
22					22	THIS ____ DAY OF _____, 2009.			
23					23				
24					24				
25					25	(Notary Public) MY COMMISSION EXPIRES: _____			

A				
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